

THURSDAY, MAY 20, 1999

THIRTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Tom Wallace, Franklin Road Baptist Church, Murfreesboro, Tennessee.

Representative Hood led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Armstrong; business reasons.

Representative Bowers; business reasons.

Representative Brooks; business reasons.

Representative L. DeBerry; business reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 67:** Rep(s). Cooper as prime sponsor(s).

**House Resolution No. 71:** Rep(s). White as prime sponsor(s).

**House Joint Resolution No. 273:** Rep(s). Maddox as prime sponsor(s).

**House Bill No. 272:** Rep(s). Roach and Montgomery as prime sponsor(s).

**House Bill No. 332:** Rep(s). Maddox as prime sponsor(s).

**House Bill No. 757:** Rep(s). Cooper as prime sponsor(s).

**House Bill No. 763:** Rep(s). Pinion and McMillan as prime sponsor(s).

**House Bill No. 940:** Rep(s). Dunn, Sargent, Buttry and Montgomery as prime sponsor(s).

**House Bill No. 979:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 1032:** Rep(s). Fraley as prime sponsor(s).

**House Bill No. 1132:** Rep(s). Cooper as prime sponsor(s).

**House Bill No. 1175:** Rep(s). Pinion and McMillan as prime sponsor(s).

**House Bill No. 1250:** Rep(s). Roach and McKee as prime sponsor(s).

**House Bill No. 1335:** Rep(s). Langster, Naifeh, L. DeBerry, McDaniel, Hagood, Sargent, Boyer, Montgomery, Stulce, Hargett, Dunn, Davis (Washington), Todd, Turner (Hamilton), Beavers and Black as prime sponsor(s).

**House Bill No. 1485:** Rep(s). Davis (Cocke), Roach, Whitson and Winningham as prime sponsor(s).

**House Bill No. 1535:** Rep(s). Maddox, Eckles, Hood, Stulce, Davis (Washington), Montgomery, White, Hagood, Langster, Beavers, Pleasant, Hargett, Newton, Black, Bone, Davidson, West, Buttry, Pinion, Odom, Cole (Carter), Kent and McMillan as prime sponsor(s).

**House Bill No. 1536:** Rep(s). McDaniel, Boyer, Walker and Buttry as prime sponsor(s).

**House Bill No. 1868:** Rep(s). Dunn as prime sponsor(s).

**House Bill No. 1890:** Rep(s). Cooper and Towns as prime sponsor(s).



**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 430; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 430--** Memorials, Academic Achievement - Brent Heilig, recipient of Carl O. Koella Memorial Scholarship. by \*Clabough, \*Cooper.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 361, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 416, 417, 418, 419, 425, 426 and 427; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 361 --** Memorials, Recognition - Hortense Cooper. by \*Cooper, \*Davis L, \*Henry, \*Herron, \*Rochelle.

**Senate Joint Resolution No. 363 --** Memorials, Interns - Dorothy Lindell Ladd. by \*Kurita.

**Senate Joint Resolution No. 364 --** Memorials, Academic Achievement - Natalie Joy Shelton, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 365 --** Memorials, Academic Achievement - Veronica Lynn Murray, Stewart County High School Top 10 percent. by \*Kurita.

**Senate Joint Resolution No. 366 --** Memorials, Academic Achievement - Tanya Anderson, Top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 367 --** Memorials, Academic Achievement - Virginia Hawkins, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 368 --** Memorials, Academic Achievement - Ben Duncan, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 369 --** Memorials, Academic Achievement - Diana Gray, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 370 --** Memorials, Academic Achievement - Krista Leigh Higgins, Stewart County High School Top 10 percent. by \*Kurita.

**Senate Joint Resolution No. 371 --** Memorials, Academic Achievement - Sarah-Glenn Baskins, top 10 percent, Stewart County High School. by \*Kurita.

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**Senate Joint Resolution No. 372** -- Memorials, Academic Achievement - Tiffany Racheal McNabb, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 373** -- Memorials, Academic Achievement - David Adam Parker, Stewart County High School Top 10 percent. by \*Kurita.

**Senate Joint Resolution No. 374** -- Memorials, Academic Achievement - Kirk W. Clark, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 375** -- Memorials, Personal Achievement - Nick Stubblefield, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 376** -- Memorials, Personal Achievement - Nathan Brewer, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 377** -- Memorials, Personal Achievement - Jon DeVault, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 378** -- Memorials, Personal Achievement - Timothy Barr, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 379** -- Memorials, Academic Achievement - Julie Pedigo, Valedictorian, Coffee County Central High School. by \*Burks.

**Senate Joint Resolution No. 380** -- Memorials, Academic Achievement - Rebecca McKelvey, Salutatorian, Coffee County Central High School. by \*Burks.

**Senate Joint Resolution No. 381** -- Memorials, Academic Achievement - Rajni Rao, 1999 Cookeville High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 382** -- Memorials, Academic Achievement - Tara M. Asberry, 1999 Hermitage Springs High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 383** -- Memorials, Academic Achievement - Emily Melton, 1999 Cannon County High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 384** -- Memorials, Academic Achievement - James Nguyen, 1999 Macon County High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 385** -- Memorials, Academic Achievement - Peggy Miranda Scruggs, 1999 Macon County High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 386** -- Memorials, Academic Achievement - Leslie Megan Brown, 1999 Hermitage Springs High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 387** -- Memorials, Academic Achievement - Larry Ray Dunn, 1999 Upperman High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 388** -- Memorials, Academic Achievement - Grant Lovellette, 1999 Cookeville High School Salutatorian. by \*Burks.

**THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**Senate Joint Resolution No. 389** -- Memorials, Academic Achievement - Benjamin Keith Bailey, 1999 Celina High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 390** -- Memorials, Academic Achievement - Jana Marie Pirtle, 1999 Cannon County High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 391** -- Memorials, Academic Achievement - Stephanie JoAnn Thompson, 1999 Upperman High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 392** -- Memorials, Academic Achievement - Courtney Brooke Walker, 1999 Celina High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 393** -- Memorials, Academic Achievement - Lisa and Lydia White. by \*Burks.

**Senate Joint Resolution No. 394** -- Memorials, Academic Achievement - Kathryn Dee Thomas, Valedictorian, Friendship Christian School. by \*Rochelle.

**Senate Joint Resolution No. 395** -- Memorials, Academic Achievement - Erin Michele McCulloch, Salutatorian, Friendship Christian School. by \*Rochelle.

**Senate Joint Resolution No. 396** -- Memorials, Academic Achievement - John Tolbert Eskew, 1999 Valedictorian, Lebanon High School. by \*Rochelle.

**Senate Joint Resolution No. 397** -- Memorials, Academic Achievement - Valerie Martin, Salutatorian, Lebanon High School. by \*Rochelle.

**Senate Joint Resolution No. 398** -- Memorials, Interns - Jonathan Carroll. by \*Dixon.

**Senate Joint Resolution No. 399** -- Memorials, Personal Occasion - Caroline Davis Haynes, birth. by \*Springer, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 400** -- Memorials, Personal Occasion - Madeline Alena George, birth. by \*Springer.

**Senate Joint Resolution No. 402** -- Memorials, Death - Thomas Echols. by \*Dixon.

**Senate Joint Resolution No. 403** -- Memorials, Retirement - Dr. Jane Walters. by \*Womack, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 404** -- Memorials, Personal Occasion - Erin Ann Springer, birth. by \*Crutchfield, \*Henry, \*Rochelle, \*Springer.

**Senate Joint Resolution No. 405** -- Memorials, Public Service - Alice Gwin Henry. by \*Cohen.

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**Senate Joint Resolution No. 406** -- Memorials, Retirement - David Allen Himes. by \*Cohen.

**\*Senate Joint Resolution No. 407** -- General Assembly, Statement of Intent or Position - Endorses DOE construction of Spallation Neutron Source at ORNL. by \*McNally.

**Senate Joint Resolution No. 408** -- Memorials, Academic Achievement - Maranda Lee Cripps, 1999 Salutatorian, Cheatham County Central High School. by \*Kurita.

**Senate Joint Resolution No. 409** -- Memorials, Academic Achievement - Calvin K. Curd, 1999 Salutatorian, Cheatham County Central High School. by \*Kurita.

**Senate Joint Resolution No. 410** -- Memorials, Recognition - Alfred Hodges. by \*Wilder.

**Senate Joint Resolution No. 411** -- Memorials, Sports - 1998-1999 Moore County cheerleading squad. by \*Cooper.

**Senate Joint Resolution No. 412** -- Memorials, Retirement - Odell Posey, Lincoln County Clerk and Master. by \*Cooper.

**Senate Joint Resolution No. 416** -- Memorials, Recognition - University of Tennessee's Municipal Technical Advisory Service, 50th birthday. by \*Atchley, \*Graves, \*Herron.

**Senate Joint Resolution No. 417** -- Memorials, Professional Achievement - Reverend Don McCann, 30 years in the ministry. by \*Ramsey.

**Senate Joint Resolution No. 418** -- Memorials, Public Service - John R. Morgan. by \*Womack, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 419** -- Memorials, Recognition - Dr. Musette Sprunt Morgan. by \*Womack, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 425** -- Memorials, Recognition - Dresden High School FHA and Laura Humphrey, FHA State President. by \*Herron.

**Senate Joint Resolution No. 426** -- Memorials, Academic Achievement - Brenda C. Gibson, Valedictorian, Dyersburg High School. by \*Herron.

**Senate Joint Resolution No. 427** -- Memorials, Academic Achievement - Brooxie Carlton, Dyersburg High School Salutatorian. by \*Herron.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1350; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1350** -- Aged Persons - Creates civil cause of action by elderly person or disabled adult against person for abuse, neglect, sexual abuse or exploitation or theft of property by fraud, deceit, coercion or otherwise. - Amends TCA Title 39, Chapter 13 and Title 71, Chapter 6, Part 1. by \*Cohen, \*Burchett, \*Person, \*Crowe, \*Clabough, \*Carter, \*Davis L, \*McNally, \*Williams, \*Kurita, \*Burks. (\*HB940 by \*Scroggs, \*Dunn, \*Sargent, \*Buttry, \*Montgomery)

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Rep. Black was recognized in the well to introduce the Hendersonville High School's DECA Team.

**RULES SUSPENDED**

Rep. Black moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 269 out of order, which motion prevailed.

**House Joint Resolution No. 269** -- Memorials, Recognition - Hendersonville High School's DECA Team. by \*Black.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Black, the resolution was adopted.

A motion to reconsider was tabled.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 24, 1999:

**House Resolution No. 73** -- Memorials, Recognition - Irma Young. by \*Jones U (Shelby), \*DeBerry J, \*Chumney, \*Turner (Shelby), \*Miller L, \*Pleasant, \*Towns, \*Cooper B.

**House Resolution No. 74** -- Memorials, Interns - Brent Alan Heilig. by \*Phillips.

**House Joint Resolution No. 282** -- Memorials, Academic Achievement - Scott William Brown, Valedictorian, Zion Christian Academy. by \*Sands.

**House Joint Resolution No. 283** -- Memorials, Personal Occasion - "Chickie" and Andy Gettelfinger, 50th wedding anniversary. by \*Dunn.

**House Joint Resolution No. 284** -- Memorials, Retirement - William Bates. by \*Fitzhugh.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 24, 1999:

**Senate Joint Resolution No. 361** -- Memorials, Recognition - Hortense Cooper. by \*Cooper, \*Davis L., \*Henry, \*Herron, \*Rochelle.

**Senate Joint Resolution No. 363** -- Memorials, Interns - Dorothy Lindell Ladd. by \*Kurita.

**Senate Joint Resolution No. 364** -- Memorials, Academic Achievement - Natalie Joy Shelton, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 365** -- Memorials, Academic Achievement - Veronica Lynn Murray, Stewart County High School Top 10 percent. by \*Kurita.

**Senate Joint Resolution No. 366** -- Memorials, Academic Achievement - Tanya Anderson, Top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 367** -- Memorials, Academic Achievement - Virginia Hawkins, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 368** -- Memorials, Academic Achievement - Ben Duncan, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 369** -- Memorials, Academic Achievement - Diana Gray, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 370** -- Memorials, Academic Achievement - Krista Leigh Higgins, Stewart County High School Top 10 percent. by \*Kurita.

**Senate Joint Resolution No. 371** -- Memorials, Academic Achievement - Sarah-Glenn Baskins, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 372** -- Memorials, Academic Achievement - Tiffany Racheal McNabb, top 10 percent, Stewart County High School. by \*Kurita.

**Senate Joint Resolution No. 373** -- Memorials, Academic Achievement - David Adam Parker, Stewart County High School Top 10 percent. by \*Kurita.

**Senate Joint Resolution No. 374** -- Memorials, Academic Achievement - Kirk W. Clark, top 10 percent, Stewart County High School. by \*Kurita.

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**Senate Joint Resolution No. 375** -- Memorials, Personal Achievement - Nick Stubblefield, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 376** -- Memorials, Personal Achievement - Nathan Brewer, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 377** -- Memorials, Personal Achievement - Jon DeVault, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 378** -- Memorials, Personal Achievement - Timothy Barr, Eagle Scout. by \*Springer.

**Senate Joint Resolution No. 379** -- Memorials, Academic Achievement - Julie Pedigo, Valedictorian, Coffee County Central High School. by \*Burks.

**Senate Joint Resolution No. 380** -- Memorials, Academic Achievement - Rebecca McKelvey, Salutatorian, Coffee County Central High School. by \*Burks.

**Senate Joint Resolution No. 381** -- Memorials, Academic Achievement - Rajni Rao, 1999 Cookeville High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 382** -- Memorials, Academic Achievement - Tara M. Asberry, 1999 Hermitage Springs High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 383** -- Memorials, Academic Achievement - Emily Melton, 1999 Cannon County High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 384** -- Memorials, Academic Achievement - James Nguyen, 1999 Macon County High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 385** -- Memorials, Academic Achievement - Peggy Miranda Scruggs, 1999 Macon County High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 386** -- Memorials, Academic Achievement - Leslie Megan Brown, 1999 Hermitage Springs High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 387** -- Memorials, Academic Achievement - Larry Ray Dunn, 1999 Upperman High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 388** -- Memorials, Academic Achievement - Grant Lovellette, 1999 Cookeville High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 389** -- Memorials, Academic Achievement - Benjamin Keith Bailey, 1999 Celina High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 390** -- Memorials, Academic Achievement - Jana Marie Pirtle, 1999 Cannon County High School Valedictorian. by \*Burks.

**Senate Joint Resolution No. 391** -- Memorials, Academic Achievement - Stephanie JoAnn Thompson, 1999 Upperman High School Valedictorian. by \*Burks.

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**Senate Joint Resolution No. 392** -- Memorials, Academic Achievement - Courtney Brooke Walker, 1999 Celina High School Salutatorian. by \*Burks.

**Senate Joint Resolution No. 393** -- Memorials, Academic Achievement - Lisa and Lydia White. by \*Burks.

**Senate Joint Resolution No. 394** -- Memorials, Academic Achievement - Kathryn Dee Thomas, Valedictorian, Friendship Christian School. by \*Rochelle.

**Senate Joint Resolution No. 395** -- Memorials, Academic Achievement - Erin Michele McCulloch, Salutatorian, Friendship Christian School. by \*Rochelle.

**Senate Joint Resolution No. 396** -- Memorials, Academic Achievement - John Tolbert Eskew, 1999 Valedictorian, Lebanon High School. by \*Rochelle.

**Senate Joint Resolution No. 397** -- Memorials, Academic Achievement - Valerie Martin, Salutatorian, Lebanon High School. by \*Rochelle.

**Senate Joint Resolution No. 398** -- Memorials, Interns - Jonathan Carroll. by \*Dixon.

**Senate Joint Resolution No. 399** -- Memorials, Personal Occasion - Caroline Davis Haynes, birth. by \*Springer, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 400** -- Memorials, Personal Occasion - Madeline Alena George, birth. by \*Springer.

**Senate Joint Resolution No. 402** -- Memorials, Death - Thomas Echols. by \*Dixon.

**Senate Joint Resolution No. 403** -- Memorials, Retirement - Dr. Jane Walters. by \*Womack, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 404** -- Memorials, Personal Occasion - Erin Ann Springer, birth. by \*Crutchfield, \*Henry, \*Rochelle, \*Springer.

**Senate Joint Resolution No. 405** -- Memorials, Public Service - Alice Gwin Henry. by \*Cohen.

**Senate Joint Resolution No. 406** -- Memorials, Retirement - David Allen Himes. by \*Cohen.

**Senate Joint Resolution No. 408** -- Memorials, Academic Achievement - Maranda Lee Cripps, 1999 Salutatorian, Cheatham County Central High School. by \*Kurita.

**Senate Joint Resolution No. 409** -- Memorials, Academic Achievement - Calvin K. Curd, 1999 Salutatorian, Cheatham County Central High School. by \*Kurita.



## **THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**Senate Joint Resolution No. 410** -- Memorials, Recognition - Alferd Hodges. by \*Wilder.

**Senate Joint Resolution No. 411** -- Memorials, Sports - 1998-1999 Moore County cheerleading squad. by \*Cooper.

**Senate Joint Resolution No. 412** -- Memorials, Retirement - Odell Posey, Lincoln County Clerk and Master. by \*Cooper.

**Senate Joint Resolution No. 416** -- Memorials, Recognition - University of Tennessee's Municipal Technical Advisory Service, 50th birthday. by \*Atchley, \*Graves, \*Herron.

**Senate Joint Resolution No. 417** -- Memorials, Professional Achievement - Reverend Don McCann, 30 years in the ministry. by \*Ramsey.

**Senate Joint Resolution No. 418** -- Memorials, Public Service - John R. Morgan. by \*Womack, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 419** -- Memorials, Recognition - Dr. Musette Sprunt Morgan. by \*Womack, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**Senate Joint Resolution No. 425** -- Memorials, Recognition - Dresden High School FHA and Laura Humphrey, FHA State President. by \*Herron.

**Senate Joint Resolution No. 426** -- Memorials, Academic Achievement - Brenda C. Gibson, Valedictorian, Dyersburg High School. by \*Herron.

**Senate Joint Resolution No. 427** -- Memorials, Academic Achievement - Brooxie Carlton, Dyersburg High School Salutatorian. by \*Herron.

## **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1990** -- Wilson County - Subject to local approval, authorizes and empowers tenth special school district to operate schools and school facilities for grades 9 through 12. Amends Chapter 330 of the Acts of 1901; as amended. by \*Bone.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1991, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 1991** -- Solid Waste Disposal - Subject to local approval, regulates the disposal of solid waste by non-residents in Van Buren County. Amends TCA Section 68-211-851(d). by \*Rhinehart.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 115** -- Sunset Laws - Tennessee registry of election finance, June 30, 2005. Amends TCA Title 2, Chapter 10 and Title 4, Chapter 29. by \*Springer. (HB395 by \*Kernell, \*Garrett, \*Brooks)

**\*Senate Bill No. 489** -- Tort Liability - Limits tort liability of street sweepers making intermittent stops and driving below posted speed limits. Amends TCA Title 55, Chapter 8. by \*Haynes. (HB763 by \*Buck, \*Jackson)

**\*Senate Bill No. 770** -- Highways, Roads and Bridges - Directs department of transportation to begin environmental studies and preliminary engineering on Highway 100 from Centerville to Nashville. by \*Springer. (HB1439 by \*Jackson)

**Senate Bill No. 1153** -- Penal and Reformatory Institutions - Redefines "riot" to include disturbance in penal institution; creates Class D felony offense for knowingly participating in riot in penal institution; creates Class C felony offense for aggravated riot in penal institution; creates Class E felony offense for inciting riot in penal institution. Amends TCA Title 39, Chapter 17, Part 3. by \*Crowe. (\*HB524 by \*Davis (Washington), \*Patton, \*Godsey, \*Baird, \*Bunch, \*Buttry, \*Hagood, \*Black, \*Hargett)

**\*Senate Bill No. 1377** -- Hospitals and Health Care Facilities - Places new requirements on department of health for construction projects of certain health care facilities; authorizes hospital to provide outpatient diagnostic and therapeutic services without obtaining waiver from board in certain circumstances. Amends TCA Section 68-11-202 and Section 68-11-209. by \*Person. (HB1054 by \*Odom)

**\*Senate Bill No. 1469** -- Salaries and Benefits - Adds work as criminal investigator for district public defender to experience that qualifies criminal investigator for district attorney general for prior service credits; adds work as assistant state attorney general working primarily in criminal law as experience that qualifies district attorney general for prior service credits. Amends TCA Title 8, Chapter 7, Part 2. by \*Haynes, \*McNally. (HB1543 by \*Scroggs, \*Westmoreland, \*Buck, \*Sands)

**Senate Bill No. 1801** -- Parks, Natural Areas Preservation - Designates North Chickamauga Creek Gorge as natural-scientific area. Amends TCA Section 11-14-108. by \*Fowler, \*Crutchfield. (\*HB1879 by \*McAfee, \*Rhinehart, \*Wood, \*Eckles, \*Hood, \*Ford S, \*Turner (Hamilton), \*Fraleigh, \*Sharp, \*Stulce, \*Beavers, \*Fitzhugh)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1966** -- Claiborne County -- Local Bill Held on House Desk

**House Bill No. 1980** -- Sumner County -- Local Bill Held on House Desk

**House Bill No. 1982** -- Taxes, Hotel Motel -- previously referred to the House Finance, Ways and Means Committee

**House Bill No. 1983** -- Marshall County -- Local Bill Held on House Desk

**House Bill No. 1984** -- Cookeville -- Local Bill Held on House Desk

**House Bill No. 1985** -- Clay County -- Local Bill Held on House Desk

**House Bill No. 1986** -- Regional Authorities -- previously referred to the House Finance, Ways and Means Committee

**\*House Bill No. 1987** -- Marriage -- previously referred to the House Finance, Ways and Means Committee

**House Bill No. 1988** -- McMinn County -- Local Bill Held on House Desk

**House Bill No. 1989** -- Meigs County -- Local Bill Held on House Desk

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **May 20, 1999**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 25, 1999**: House Bill(s) No(s). 1618, 1613 and 1134.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 24, 1999**: House Bill(s) No(s). 1601, 1419, 1022 and 1614.

The Committee further reports that House Bill No. 1135 was referred to the Budget Subcommittee.

CONSENT CALENDAR

**Senate Joint Resolution No. 7** -- Naming and Designating - "Don Sundquist Center of Advanced Industrial Technologies," Motlow State Community College, Fayetteville. by \*Cooper, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L., \*Dixon, \*Elsea, \*Ford J., \*Fowler, \*Graves, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J., \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams.

**House Bill No. 958** -- Game and Fish Laws - Revises requirements for engaging in business as wholesale fish or mussel dealer; redefines "wholesale fish dealer." Amends TCA Section 70-2-206. by \*Tidwell. (\*SB767 by \*Springer)

**\*House Joint Resolution No. 87** -- General Assembly, Studies - Continues special joint committee to study electric utility industry deregulation. by \*Kisber.

**\*House Joint Resolution No. 187** -- General Assembly, Studies - Creates special joint committee to study water and sewer utility practices related to apartment submetering. by \*West.

**\*House Resolution No. 28** -- General Assembly, Studies - Extends highway safety study of safety subcommittee, created by HR 91 of 100th General Assembly, for one year. by \*Ridgeway, \*Head, \*Dunn, \*Beavers, \*Sharp, \*Robinson, \*Hassell.

**\*House Resolution No. 56** -- General Assembly, Studies - Directs industrial impact subcommittee of house commerce committee to study issues relative to motor vehicle rental companies. by \*Lewis.

**House Joint Resolution No. 185** -- Naming and Designating - "Stroke Awareness Month," May 1999. by \*Hargrove.

**\*Senate Joint Resolution No. 222** -- General Assembly, Confirmation of Appointment - George H. McGrath III, Tennessee Forestry Commission. by \*Davis L., \*Atchley.

**\*House Joint Resolution No. 223** -- General Assembly, Confirmation of Appointment - Valerie Copeland Rutledge, State Board of Education. by \*Brown, \*Stulce.

**House Joint Resolution No. 213** -- Memorials, Recognition - Cookeville Cook-off. by \*Hargrove.

**\*House Bill No. 901** -- Administrative Procedure - Specifies that agencies must provide fiscal impact of proposed rules and regulations if fiscal impact is more than 2 percent of agency's annual budget, or \$500,000, whichever is less. Amends TCA Section 4-5-226. by \*Kernell. (SB1268 by \*Springer)

**\*House Bill No. 624** -- Local Education Agency - Replaces grade 1 and 2 guidance counselors with pre-kindergarten through grade 12 school counselor program. Amends TCA Section 49-6-303. by \*Lewis, \*Givens, \*Fitzhugh, \*Maddox. (SB1110 by \*Cooper)

**THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**House Bill No. 1331** -- Pensions and Retirement Benefits - Allows certain Group 1 members of TCRS to collect extra amounts such members paid into TCRS. Amends TCA Section 8-36-201(g). by \*Hargrove. (\*SB1108 by \*Cooper)

On motion, House Bill No. 1331 was made to conform with **Senate Bill No. 1108**; the Senate Bill was substituted for the House Bill.

**\*House Joint Resolution No. 181** -- Naming and Designating - "Major General Holman J. Walker National Guard Armory," South Pittsburg. by \*Rhinehart.

**\*House Joint Resolution No. 56** -- General Assembly, Statement of Intent or Position - Urges employers to excuse employees from work to attend parent-teacher conferences when given 24 hour notice. by \*Cooper B, \*Miller L, \*Towns, \*Jones U (Shelby), \*Brooks.

**\*House Bill No. 821** -- State Employees - Requires payment of longevity pay to full time employees of entities, when compensation is paid for performing services under Women, Infants and Children (WIC) federal grant funding and employee employed for 36 months by injury or state. Amends TCA Title 8. by \*Rinks. (SB1242 by \*Haynes)

**\*Senate Joint Resolution No. 115** -- Naming and Designating - Names recreational hall at Camp Clement in honor of Senator Tommy Burks; urges governor to include funding for reconstruction of such building in FY 1999-2000 budget. by \*Haun, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack.

**\*House Joint Resolution No. 235** -- Naming and Designating - "Frankland-Taylor National Guard Armory," Jackson. by \*Kisber, \*McDaniel.

**House Resolution No. 66** -- Memorials, Retirement - James Larry Stills. by \*Ferguson.

**House Resolution No. 67** -- Memorials, Death - Myrtice B. Askew. by \*Miller L.

**House Resolution No. 68** -- Memorials, Interns - Lakeisha Gassion. by \*Kernell, \*Garrett, \*Brooks.

**House Resolution No. 69** -- Memorials, Interns - Margaret Davis. by \*Kernell, \*Garrett, \*Brooks.

**House Joint Resolution No. 263** -- Memorials, Sports - 1998-1999 Livingston Academy girls' basketball team, TSSAA Class AA state champions. by \*Windle.

**House Joint Resolution No. 265** -- Memorials, Recognition - Hartsville United Methodist. by \*Bone.

**House Joint Resolution No. 266** -- Memorials, Interns - Elizabeth Greer. by \*Rhinehart, \*Curtiss, \*Phelan.

**THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**House Joint Resolution No. 267** -- Memorials, Interns - Tracey L. Gentry. by \*Givens.

**House Joint Resolution No. 268** -- Memorials, Sports - Coalfield baseball team. by \*Windle.

**House Joint Resolution No. 269** -- Memorials, Recognition - Hendersonville High School's DECA Team. by \*Black.

**House Joint Resolution No. 270** -- Memorials, Recognition - Dr. J. Kelly Smith. by \*Cole (Carter).

**House Joint Resolution No. 271** -- Memorials, Professional Achievement - Charles Wilson, Wal-Mart Teacher of the Year. by \*Davis (Cocke).

**House Joint Resolution No. 272** -- Memorials, Academic Achievement - Miranda Faith Buchkovich, 1999 Valedictorian, Union County High School. by \*Goins.

**House Joint Resolution No. 273** -- Memorials, Professional Achievement - Jessica Andrews, top 40 hit. by \*Ridgeway.

**House Joint Resolution No. 274** -- Memorials, Retirement - Peggy Howell. by \*Hood, \*Eckles.

Rep. McDaniel moved that all members voting aye on Senate Joint Resolution No. 7 be added as sponsors, which motion prevailed.

Rep. Hargrove moved that all members voting aye on Senate Joint Resolution No. 115 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....94  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

### **RULES SUSPENDED**

Rep. Phillips moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 430 out of order, which motion prevailed.

**Senate Joint Resolution No. 430** -- Memorials, Academic Achievement - Brent Heilig, recipient of Carl O. Koella Memorial Scholarship. by \*Clabough, \*Cooper.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Phillips, the resolution was concurred in.

A motion to reconsider was tabled.

### **REGULAR CALENDAR**

**\*House Bill No. 778** -- Sewage - Makes cities, towns and utility districts that own sanitary sewers responsible for maintaining sewer and connector system which connects pipe to building and for damage incurred by customer caused by damage to or failure of connector system or sanitary sewer. Amends TCA Title 68, Chapter 221, Part 2. by \*Stulce, \*Sharp. (SB1144 by \*Crutchfield)

Rep. Stulce moved that House Bill No. 778 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 778 By deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

(b)(1) IF a water and wastewater treatment authority, created pursuant to Tennessee Code Annotated, Title 68, Chapter 221, Part 6, owns a sanitary sewer funded in whole or in part through a grant obtained under this part; and

IF such authority installed the sanitary sewer, contracted with an entity to install the sanitary sewer, or such sanitary sewer was conveyed to the authority after installation,

THEN such authority is responsible for maintaining the sanitary sewer and building service, including couplings and fittings thereto, to which the building lateral sewer of the residential or commercial customer is connected. In no event shall a residential or commercial customer be responsible to maintain that portion of any lateral or connection that is located beyond the property line of such customer.

(2) As used in this subsection;

(A) "Building service" means a saddle or "Y" connection to a lateral or branch sewer for connection of a building sewer also called a building lateral sewer.

(B) "Building lateral sewer" means a gravity-flow pipeline connecting a building wastewater collection system to a building service. Building lateral sewer is also called a "house connection" or a "service connection".

(3) Such water and wastewater treatment authority is liable upon a showing of negligence for any damage incurred by such residential or commercial customers that is caused by damage to or failure of such sanitary sewer or building service, including couplings and fittings thereto.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 778 by adding the following language at the end of the amendatory language of Section 1 to be designated as subdivision (4) of subsection (b):

(4) The provisions of this subsection shall not apply in any county having a population of not less than eighty thousand (80,000) nor more than eighty-three thousand (83,000) nor in any county having a population of not less than sixty seven thousand six hundred (67,600) nor more than sixty-seven thousand nine hundred (67,900), according to the 1990 federal census or any subsequent federal census.

On motion, State and Local Government Committee Amendment No. 2 was adopted.

Rep. Stulce moved that **House Bill No. 778**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0



Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 1267** -- University of Tennessee - Requires all members of board of trustees of University of Tennessee appointed by governor to be confirmed by joint resolution of senate and house. Amends TCA Title 49, Chapter 9, Part 2. by \*Stulce, \*Turner (Hamilton), \*Tindell, \*McMillan, \*Briley, \*Ridgeway, \*Brown, \*Armstrong, \*McDonald, \*Williams (Williamson), \*Arriola, \*Curtiss, \*Sands, \*Hargrove, \*Winningham. (\*SB50 by \*Rochelle)

Further consideration of House Bill No. 1267 previously considered on May 6, 1999, at which time it was reset for today's Calendar.

#### **BILL WITHDRAWN**

Rep. Stulce moved that House Bill No. 1267 be withdrawn from the House, with motion prevailed.

#### **REGULAR CALENDAR, CONTINUED**

**House Bill No. 1032** -- Radio and Television - Authorizes providers of electric services to provide cable television, Internet and related services. Amends TCA Title 7, Chapter 52; Title 7, Chapter 59 and Title 65, Chapter 25. by \*Hargrove, \*Head, \*Lewis, \*Sands, \*Walker (Rhea). (\*SB1109 by \*Cooper, \*Rochelle, \*Ramsey)

Rep. Hargrove moved that House Bill No. 1032 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 1032 By deleting all language after the enacting clause and inserting the following:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 52, is amended by adding the following as a new, appropriately designated part:

**Section 7-52-601.** (a) Each municipality operating an electric plant described in Section 7-52-401 has the power and is authorized within its service area, under the provisions of this act and on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant (herein sometimes referred to as "governing board"), to acquire, construct, own, improve, operate, lease, maintain, sell, mortgage, pledge or otherwise dispose of any system, plant, or equipment for the provision of cable service, two-way video transmission, video programming, internet services, or any other like system, plant, or equipment within and/or without the corporate or county limits of such municipality, and, with the consent of such other municipality, within the corporate or county limits of any other municipality. A municipality may only provide cable service, two-way video transmission, video programming, internet services or other like service through its board or supervisory body having responsibility for the municipality's electric plant. A municipality providing any of the services authorized by this section may not dispose of all or substantially all of the system, plant, and equipment used to provide such services except upon compliance with the procedures set forth in Section 7-52-132.

(b) The services permitted by this part do not include telephone, telegraph, and telecommunications services permitted under Part 4 of this chapter.

(c) Notwithstanding the foregoing, a municipality shall not have any power or authority under subsection (a) of this section in any area where a privately-held cable television operator is providing cable service over a cable system and in total serves 6,000 or fewer subscribers over one or more cable systems.

(d) Notwithstanding the foregoing, a municipality shall not have any power or authority under subsection (a) of this section in any area of any existing telephone cooperative that has been providing cable service for not less than ten (10) years under the authority of the federal communications commission.

**Section 7-52-602.** To provide the services authorized under this part, the governing board of the municipal electric system shall comply with the following procedure:

(a) Upon the approval and at the direction of the governing board, the municipal electric system shall file a detailed business plan with the office of the comptroller of the State which includes a three year cost benefit analysis and which identifies and discloses the total projected direct cost and indirect cost of and revenues to be derived from providing the proposed services. The plan shall also include a description of the quality and level of services to be provided, pro forma financial statements, a detailed financing plan, marketing plan, rate structure and any other information requested by the director of the division of local finance.

(b) After review of the plan, the comptroller shall provide a written analysis of the feasibility of the proposed business plan to the chief legislative body of the municipality in which the municipal electric is located and the governing board within sixty (60) days; provided, however, the calculation of the time to file the comptroller's written analysis shall not commence until the business plan is complete. Upon expiration of said sixty (60) day period, the governing board may proceed without the written analysis of the comptroller.

(c) If the governing board determines to proceed, it shall publish in a newspaper of general circulation within that area a notice of its intent to proceed with the offering of additional services. The notice shall include a general description of the business plan and a summary of the governing board's findings on such plan. The notice shall also specify a date on which the governing board shall conduct a public hearing on the provision of such services.

(d) The governing board shall conduct a public hearing on the provision of such services. No sooner than fourteen (14) days after such public hearing, the governing board may consider authorizing the provision of additional services. A municipal electric system may provide additional services only after approval by a two-thirds (2/3) majority vote of the chief legislative body of the municipality in which the municipal electric is located or by a public referendum held pursuant to law applicable to such elections.

**Section 7-52-603.** (a)(1)(A) A municipal electric system shall establish a separate division to deliver any of the services authorized by this part. The division shall maintain its own accounting and record-keeping system. A municipal electric system may not subsidize the operation of the division with revenues from its power or other utility operations.

(B) A municipal electric system may lend funds, at a rate of interest not less than the highest rate then earned by the municipal electric system on invested electric plant funds, to acquire, construct, and provide working capital for the system, plant, and equipment necessary to provide any of the services authorized by this part; provided, however, such interest costs shall be allocated to the cost of such services.

(2) The division shall be subject to the terms and conditions of those types of provisions generally provided in existing or future pole attachment agreements, including without limitation, allocation of costs for rates, insurance, and other related costs, and the responsibility for make ready provisions, that are applicable to private providers of services provided by the division under this part.

(3) In response to facility installation, maintenance, or relocation requests made under a pole attachment agreement by a private provider of services provided by the division under this part, the municipal electric system shall provide the same response times and service quality as the municipal electric system provides for requests of the division for such services and shall provide non-discriminatory access to these facilities. Nothing in this subsection shall impair the rights of a municipal electric system under its pole attachment agreement with the private provider of services

(b) A municipal electric system providing any of the services authorized by this part shall fully allocate any costs associated with the services provided under this part to the rates for those services.

(c) A municipal electric system providing any of the services authorized by this part shall establish and charge rates that cover all costs related to the provision of such services.

(d) A municipal electric system shall charge or allocate as costs to the division the same pole rate attachment fee as it charges any other franchise holder providing the same service.

(e) Any fee imposed by the municipality on a private provider of cable services, shall also be allocated to the division.

**Section 7-52-604.** (a) The Comptroller shall adopt, after consideration of written comments submitted by any interested party, guidelines or procedures to establish appropriate accounting principles applicable to the division's affiliated transactions and cost allocation. The development of such guidelines or procedures shall not be deemed a rule-making proceeding under the Administrative Procedures Act.

(b) A municipal division providing the services authorized by this part is subject to a finance and compliance audit under the provisions of Section 6-56-105, which audit shall be conducted in accordance with enterprise fund accounting principles under generally accepted accounting principles.

(c) On or before June 30, 2005, the comptroller's office shall prepare a report to the General Assembly evaluating the operations of municipal electric systems offering services permitted by this Part which shall include a recommendation as to whether the authority to provide such services should be expanded, restricted or terminated.

**Section 7-52-605.** To the extent that it provides any of the services authorized by this part, a municipal electric system shall have all the powers, obligations, and authority granted entities providing similar services under applicable laws of the United States or the state of Tennessee or applicable municipal ordinances.

**Section 7-52-606.** (a) A municipal electric system providing any of the services authorized by this part shall make tax equivalent payments with respect to such services in the manner established for electric systems under part 3 of this chapter; provided, such payments shall not include amounts based on net system revenues as provided in Section 7-52-304(1)(B). For purposes of the calculation of such tax equivalent payments only, the system, plant, and equipment used to provide such services shall be considered an electric plant, and the revenues received from such services shall be considered operating revenues. The amount payable pursuant to this paragraph shall not exceed the amount that would otherwise be due from a municipality were it a private provider of such services paying ad valorem taxes.

(b) In addition to the requirement of subsection (a) and notwithstanding any other provision of law to the contrary, a division of the municipal electric system providing the cable services, two way video transmission or video programming services authorized by this part, is subject to payment to the appropriate units of government of an amount in lieu of the following taxes on that part of its revenues, plant and facilities dedicated or allocated to those services described in Section 1(a) of this act, to the same extent as if it were a private provider of such services:

- (1) Excise and franchise tax law under Title 67, Chapter 4, Parts 8 and 9;
- (2) Sales tax law under Title 67, Chapter 6; and
- (3) Local privilege tax law under Title 67, Chapter 4, Part 7.

**Section 7-52-607.** Any municipality authorized by this part to provide any of the services described herein shall have the power and is hereby authorized to borrow money, contract debts and issue its bonds or notes to finance in whole or in part the cost of the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of a system or systems, or any part thereof, to provide any of such services, including the acquisition of land or rights in land and the acquisition and installation of all equipment necessarily incident to the provision of such services. Any bonds or notes authorized to be issued pursuant to this section shall be issued only in accordance with the procedures, requirements and limitations set forth in Title 7, Chapter 34, or Title 9, Chapter 21, as elected by the municipality issuing the bonds or notes. All provisions of Title 7, Chapter 34, or Title 9, Chapter 21, relating to the authorization, issuance and sale of bonds or notes, the use and application of revenues of the system or systems being financed, powers to secure such bonds and notes, covenants and remedies for the benefit of bond or note holders with respect to such bonds or notes, validity and tax exemption with respect to such bonds or notes, and powers to refund and refinance such bonds or notes shall apply to any bonds or notes authorized hereunder and the system or systems financed thereby with the same effect as if such system or systems were a "public works", if proceeding under Title 7, Chapter 34, or a "public works project" if proceeding under Title 9, Chapter 21.

**Section 7-52-608.** This part supersedes any conflicting provisions of general law, private act, charter or metropolitan charter provisions.

**Section 7-52-609.** A franchisee under Title 7, Chapter 59 operating in the service area of the municipal electric division providing services under this Part may bring a civil action for injunctive or declaratory relief for a violation under this Part, and may recover actual damages upon a showing of a willful violation under this Part. Jurisdiction and venue for such action shall be in the chancery court in the county where the alleged violation is occurring or will occur.

SECTION 2. Tennessee Code Annotated, Section 7-59-102, is amended by adding the following new subsections:

( ) Any municipal electric system or cooperative permitted to operate under the authority of Title 7, Chapter 52, Part 6, or Title 65, Chapter 25, Part 3, before delivering any cable services, two way video transmission or video programming shall obtain a franchise from the appropriate municipal governing body or county governing body.

( ) The franchising authority shall not employ terms more favorable or less burdensome upon a municipal electric system or cooperative operating under the authority of Title 7, Chapter 52, Part 6 or Title 65, Chapter 25, Part 3 than those imposed by the franchising authority upon any private provider providing the same services within the franchising authority's jurisdiction. The franchising authority shall not impose or enforce any local franchise requirement on any such private provider, which is not also made applicable to such a municipal electric system, nor shall the franchising authority discriminate between such providers.

( ) Nothing contained in this section shall be interpreted to limit the authority of the franchising authority to collect franchise fees, control and regulate its streets and public ways, or enforce its powers to provide for the public health, safety, and welfare.

SECTION 3. Tennessee Code Annotated, Section 7-52-103, is amended by adding the following new subsections:

(c) In addition to the authority granted under otherwise applicable law, each municipality operating an electric plant has the power and is authorized within its service area and on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, may contract to establish a joint venture or other business relationship with one or more third parties to provide the services authorized by Section 7-52-601, provided that with respect to cable services at least one such third party shall be a current franchise holder that has been providing services in any state (either itself or its predecessor(s)) for not less than three years at the time of the establishment of the joint venture or other business relationship. Any such joint venture or other business relationship shall be subject to the requirements of Section 7-52-602 through 609.

(d) In addition to the authority granted under otherwise applicable law, each municipality operating an electric plant has the power and is authorized on behalf of its municipality, acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to establish a joint venture or any other business relationship with one or more third parties to provide related services, subject to the principles in Sections 7-52-402 through 7-52-407. No contract or agreement between a municipal electric system and one or more third parties for the provision of related services that provides for the joint ownership or joint control of assets, the sharing of profits and losses, or the sharing of gross revenues shall become effective or enforceable until the Tennessee Regulatory Authority approves such contract or agreement on petition and after notice and opportunity to be heard has been extended to interested parties. Notwithstanding Section 65-4-101(a)(2) or any other provision of this code or of any private act, to the extent that any such joint venture or other business relationship provides related services, such joint venture or business relationship and every member of such joint venture or business relationship shall be subject to regulation by the Tennessee Regulatory Authority in the same manner and to the same extent as other certified providers of telecommunications services, including, without limitation, rules or orders governing anti-competitive practices, and shall be considered as and have the duties of a public utility, as defined in Section 65-4-101, but only to the extent necessary to effect such regulation and only with respect to the provision of related services. This provision shall not apply to any related service or transaction which is not subject to regulation by the Tennessee Regulatory Authority.

(e) For purposes of this Section, "related services" shall mean those services authorized by Section 7-52-401.

SECTION 4. Tennessee Code Annotated, Section 7-52-406 is amended by deleting subsection (b) in its entirety and inserting the following language as a new subsection (b):

(b) Nothing in this part or any private act, charter, metropolitan charter, or amendments thereto, shall allow a municipality, county, metropolitan government, department, board or other entity of local government to provide any service for which a license, certification, or registration is required under title 62, chapter 32, part 3 or to provide pager service.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.



Rep. Hargrove moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1032 By deleting the reference "Section 1(a) of this act" in amendatory Section 7-52-602(b) of Section 1, as amended, and by substituting instead the language "Tennessee Code Annotated, Section 7-52-601(a)".

AND FURTHER AMEND amendatory Section 7-52-609, of Section 1, as amended, by adding the following sentence after the last sentence of such section: Such actions shall be scheduled for hearing as a priority by the court.

AND FURTHER AMEND Section 2, as amended, by deleting the language "or cooperative" from the first and second new amendatory subsections, and by deleting the language "or Title 65, Chapter 25, Part 3" from the second new amendatory subsection.

AND FURTHER AMEND new amendatory subsection (c) of Section 3, as amended, in the last sentence by deleting the language "the requirements of Section 7-52-602 through 609" and by substituting instead the language "the provisions of Section 7-52-602 through 7-52-609".

AND FURTHER AMEND new amendatory subsection (d) of Section 3, as amended, in the first sentence by deleting the language "the principles in" and by substituting instead the language "the provisions of"

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **House Bill No. 1032**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 529** -- Telecommunications - Increases maximum civil penalty from \$100 to \$150 a day if telecommunication provider designates or changes provider without subscriber's authorization or for billing and collecting charge for services which subscriber has not ordered. Amends TCA Title 6; Title 7; Title 8; Title 47; Title 65 and Title 67. by \*Hargrove, \*Head. (SB659 by \*Cooper)

Rep. Hargrove moved that House Bill No. 529 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 529 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 21, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. (a) The Tennessee regulatory authority shall develop by rule an assistive telecommunications device distribution program no later than January 1, 2000 to be administered by the authority. Such plan shall require qualified telecommunications service providers to contribute a total of no more than seven hundred and fifty thousand dollars (\$750,000) each year to fund the program. The authority shall create a reserve fund for such program which shall not exceed one million dollars (\$1,000,000) in any given year. The authority shall by rule determine the annual contribution to be made each year by each telecommunications service provider to fund the program.

(b) It is the legislative intent that such program be designed with consideration of fair distribution of the equipment to Tennessee's hearing impaired and deaf population based on need. The type of equipment to be distributed under the program shall be restricted to text telephones (TTYs), telephone devices for the deaf (TDDs) and the blind (Braille (TB)) machines.

(c) A telecommunications service provider with less than thirty million dollars (\$30,000,000) of Tennessee intrastate gross receipts for the calendar year is not required to make a contribution to the assistive telecommunications device distribution program established pursuant to subsection (a).

(d) The administrative cost of the authority to implement this act shall come from the contributions collected as described in Section 1(a) of this act.

(e) Contributions to this fund are not to be line-itemized on an end-users telephone bill.

(f) In establishing the distribution procedures, the Tennessee regulatory authority, or its designee, shall base its procedures on the former TTY distribution program funded by annual appropriations during 1987 to 1990 with regard to: the application procedure, purchasing of equipment, maintenance and repair, monthly telephone charges, priority of selection, certification of disability, verification of information, confidentiality, eligibility requirements and special considerations.

(g) The Tennessee regulatory authority is authorized to promulgate rules and regulations in accordance with the uniform administrative procedures act, compiled in title 4, chapter 5, to implement this act.

SECTION 2. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 529**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....91  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wittingham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**House Bill No. 1835** -- Capitol - Adds duty of developing policies regarding aesthetics of concession sales at capitol to state capitol commission. Amends TCA Title 4, Chapter 8, Part 3. by \*Hargrove. (\*SB1390 by \*Rochelle)

Rep. Hargrove moved that House Bill No. 1835 be reset for the Regular Calendar on May 24, 1999, which motion prevailed.

**THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**House Bill No. 763** -- Tort Liability - Limits tort liability of street sweepers making intermittent stops and driving below posted speed limits. Amends TCA Title 55, Chapter 8. by \*Buck, \*Jackson. (\*SB489 by \*Haynes)

Rep. Buck moved that House Bill No. 763 be reset for the Regular Calendar on May 24, 1999, which motion prevailed.

**\*House Bill No. 1916** -- Education, Higher - Permits institutions of higher education to release certain student records and student information if related to criminal activity or drug or alcohol possession or use by such student Amends TCA Title 10, Chapter 7. by \*Boyer. (SB1886 by \*Burchett)

Further consideration of House Bill No. 1916 previously considered on May 17, 1999, at which time it was reset for today's Calendar.

On motion, House Bill No. 1916 was made to conform with **Senate Bill No. 1886**; the Senate Bill was substituted for the House Bill.

Rep. Davidson moved that Senate Bill No. 1886 be reset for the Regular Calendar on May 25, 1999, which motion prevailed.

**\*House Bill No. 673** -- Insurance, Health, Accident - Requires certain entities to designate physician licensed in Tennessee as medical director, responsible for treatment policies and utilization management and to ensure certain service delivery decisions are made by doctor or licensed person and to limit retrospective denial of coverage; noncompliance is basis for certificate of authority action. Amends TCA Title 56. by \*Caldwell, \*Hargrove, \*Naifeh, \*DeBerry L., \*Rinks, \*Williams (Williamson), \*Arriola, \*McDonald, \*Kisber, \*Armstrong, \*Turner (Shelby), \*Lewis, \*Stulce, \*Sands, \*Davidson, \*Pinion, \*Jones, S., \*Ridgeway, \*Bone, \*Robinson, \*Ferguson, \*Brooks, \*Tindell, \*Eckles, \*Newton, \*Scroggs, \*West, \*Hood, \*Fraleigh, \*Miller L., \*Maddox, \*Pruitt, \*Winningham, \*Hargett, \*Pleasant, \*Cooper B., \*Ford S., \*Brown, \*Langster, \*Dunn, \*Sargent, \*Givens, \*Patton, \*White, \*Fitzhugh, \*Jackson, \*Hagood, \*Black. (SB1117 by \*Cooper)

Further consideration of House Bill No. 673 previously considered on May 17, 1999 and March 24, 1999, April 29, 1999 and May 6, 1999. The bill was also considered on May 13, 1999, at which time the House was on the motion to re-refer the bill to the Health and Human Resources Committee.

Rep. Caldwell moved that House Bill No. 673 be re-referred to the House Health and Human Resources Committee with the request that the Speaker form an Ad Hoc Committee to study managed care HMOs, which motion prevailed.

**House Bill No. 452** -- Public Funds and Financing - Prohibits use of public funds for public relations services by entity in the legislative, judicial or executive branch of government; excludes funds appropriated to keep or increase employment by promoting trade, industry, commerce, tourism or recreation and conferences, training or similar meetings; requires cancellation of current contracts for such services. Amends TCA Title 4, Chapter 1. by \*McDonald, \*Bone, \*Fowlkes, \*Williams (Williamson), \*Arriola. (\*SB432 by \*Haynes, \*Herron)

On motion, House Bill No. 452 was made to conform with **Senate Bill No. 432**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 432 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. McDonald moved that **Senate Bill No. 432** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 1308** -- Malpractice, Professional - Eliminates 33 1/3 percent cap on attorney fees in medical malpractice actions. Amends TCA Section 29-26-120. by \*Newton. (\*SB1191 by \*Cohen)

Rep. Newton moved that House Bill No. 1308 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1308 by deleting SECTION 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-26-120, is amended by deleting the section in its entirety and by substituting instead the following:

29-26-120. (a) Compensation for attorneys' fees for services to claimants in medical malpractice actions in excess of thirty-three and one-third percent (33-1/3%) shall be subject to the approval of the court upon final adjudication or settlement of such claim. The court shall make specific findings as to the factors which justify such a fee as provided in DR 2-106 of Rule 8 of the Rules of the Supreme Court.

(b) The provisions of this section shall apply only to medical malpractice actions arising on or after July 1, 1999.

On motion, Judiciary Committee Amendment No. 1 was adopted.

#### CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

#### REGULAR CALENDAR, CONTINUED

Rep. Kerr moved the previous question, which motion prevailed.

Rep. Newton moved that **House Bill No. 1308**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	15
Noes .....	64
Present and not voting .....	7

Representatives voting aye were: Boyer, Buck, Chumney, DeBerry J., Fitzhugh, Hagood, Kernell, McAfee, McDaniel, Newton, Sands, Sargent, Scroggs, Stulce, Turner (Hamilton) -- 15.

Representatives voting no were: Arriola, Baird, Black, Bone, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Dunn, Eckles, Ferguson, Ford, Fowlkes, Givens, Goins, Gunnels, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDonald, McKee, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sharp, Tidwell, Todd, Towns, Walker, Walley, West, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 64.

Representatives present and not voting were: Beavers, Briley, Brown, Fraley, Godsey, McMillan, Turner (Shelby) -- 7.

On motion, House Bill No. 1308 was re-referred to the House Committee on Calendar and Rules.

**THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**House Bill No. 948** -- Human Rights - Creates commission on African American struggle for justice, equality and opportunity; provides certain funding sources for the commission. Amends TCA Title 4, Chapter 11 and Title 55, Chapter 4, Part 2. by \*Brooks, \*Pruitt, \*Cooper B, \*Brown, \*DeBerry L, \*Bowers, \*Miller L. (\*SB953 by \*Harper)

Rep. Miller moved that House Bill No. 948 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

**House Bill No. 1175** -- Judicial Officers - Decreases, from 40 to 30 days, number of days circuit court clerk has to make and transmit transcripts in cases in which appeals in nature of writs of error have been taken. Amends TCA Title 16; Title 18; Title 38 and Title 40. by \*Buck, \*Newton, \*Davidson, \*Jackson. (\*SB1502 by \*Wilder)

Rep. Buck requested that House Bill No. 1175 be moved down 5 places on the Calendar.

**\*House Bill No. 1961** -- Alcoholic Beverages - Authorizes Cortner Mills and Our House restaurants in Bedford County to sell wine. Amends TCA Title 57, Chapter 4. by \*Phillips.

Rep. Phillips moved that **House Bill No. 1961** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	63
Noes .....	25
Present and not voting .....	3

Representatives voting aye were: Arriola, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), DeBerry J., Eckles, Fitzhugh, Fraley, Garrett, Givens, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, McCord, McKee, McMillan, Miller, Montgomery, Newton, Odum, Phelan, Pleasant, Pruitt, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, White, Whitson, Williams, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Baird, Beavers, Bunch, Davidson, Davis (Washington), Dunn, Ferguson, Ford, Fowlkes, Godsey, Goins, Hargett, Hood, Maddox, McAfee, McDaniel, McDonald, Mumpower, Pinion, Rhinehart, Ridgeway, Stulce, Walley, Windle, Wood -- 25.

Representatives present and not voting were: Patton, Sharp -- 2.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from yes to present not voting on House Bill No. 1961 and have this statement entered in the Journal: Rep(s). Todd.

REGULAR CALENDAR, CONTINUED

**House Bill No. 386** -- Sunset Laws - Board for licensing health care facilities, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 68, Chapter 11. by \*Kernell, \*Garrett, \*Brooks. (\*SB155 by \*Springer)

Rep. Kernell moved that House Bill No. 386 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 386 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-220(a), is amended by adding a new item thereto, as follows:

( ) Board for licensing health care facilities, created by Section 68-11-203;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 386**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 373** -- Sunset Laws - Water quality control board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by \*Kernell, \*Garrett, \*Brooks. (\*SB149 by \*Springer)

Rep. Kernell requested that House Bill No. 373 be moved to the heel of the Calendar.



**\*House Bill No. 160** -- Fireworks - Raises from ten to 14 age at which fireworks may be purchased. Amends TCA Title 68. by \*Odom. (SB1006 by \*Ford J)

Rep. Odom moved that House Bill No. 160 be passed on third and final consideration.

Rep. Eckles moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 160 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 68-1-501(a), is amended by deleting the language "twelve (12) members" and by substituting instead the language "thirteen (13) members".

SECTION 2. Tennessee Code Annotated, Section 68-1-501(a), is further amended by adding the following language as a new, appropriately designated subdivision:

( ) One (1) registered nurse.

SECTION 3. Tennessee Code Annotated, Section 68-1-501(b), is amended by adding the following language as a new subdivision (8), and by renumbering the present subdivision (8) as subdivision (9):

( ) The registered nurse shall be appointed from a list of three (3), one (1) from each grand division certified to the governor by the Tennessee Nurses Association;

SECTION 4. Tennessee Code Annotated, Section 68-1-501(c)(2), is amended by inserting the language "the Tennessee Nurses Association," between the language "the State Dental Association," and the language "the Tennessee Pharmaceutical Association".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 160**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 1175** -- Judicial Officers - Decreases, from 40 to 30 days, number of days circuit court clerk has to make and transmit transcripts in cases in which appeals in nature of writs of error have been taken. Amends TCA Title 16; Title 18; Title 38 and Title 40. by \*Buck, \*Newton, \*Davidson, \*Jackson. (\*SB1502 by \*Wilder)

Further consideration of House Bill No. 1175 previously considered on today's Calendar.

#### **CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

#### **REGULAR CALENDAR, CONTINUED**

Rep. Buck moved that House Bill No. 1175 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

##### **Amendment No. 1**

AMEND House Bill No. 1175 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-3-803, is amended by deleting subsection (h) and by substituting instead the following:

(h) The administrative director of the courts shall establish criteria, develop procedures and implement a Tennessee court information system (TnCIS). The system shall provide an integrated case management and accounting software system addressing the statutory responsibilities of the clerks of the general sessions, chancery, circuit, and juvenile courts. The system shall also provide state-wide reporting and data transfer capabilities for the administrative office of the courts (AOC), department of human services, Tennessee bureau of investigation, department of safety and such other state agencies as may be determined by the AOC or as statutorily mandated.

SECTION 2. Tennessee Code Annotated, Title 16, Chapter 3, Part 8, is amended by adding the following language as a new, appropriately designated section:

Section 16-3-8\_\_.

(a) There is hereby created a Tennessee court information system (TnCIS) steering committee. The steering committee shall use recommendations from the Tennessee judicial information system advisory committee (TJISAC) to manage and control the scope of the TnCIS software project relative to defining system functionality and determining project timelines, deadlines and system implementation priorities. The steering committee shall consist of seven (7) members as follows: three (3) court clerk members to be selected by TJISAC, two (2) members appointed by the comptroller of the treasury and two (2) members appointed by the administrative office of the courts (AOC). The department of finance and administration, office for information resources; contract software vendors and any other group or organization providing support for the TnCIS software project shall serve as advisors to the steering committee.

(b) Members of the steering committee shall serve without additional compensation; however, any member who is not an employee of state or local government shall be reimbursed for travel expenses incurred as a result of his or her duties with the committee in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(c) The members of the steering committee shall serve two (2) year terms and may be reappointed. A member's term shall terminate whenever the steering committee ceases to exist.

(d) For purposes of administration only, the steering committee shall be attached to the AOC.

(e) The TnCIS steering committee shall elect a chair to coordinate the work of the committee and to preside over steering committee meetings. The chair shall also periodically update TJISAC; the information systems council; the judiciary committee of the senate, the judiciary committee of the house of representatives; the speaker of the senate and the speaker of the house of representatives concerning progress of the TnCIS software project.

(f) The TnCIS steering committee shall also select a project manager to oversee assigned staff and to manage the day-to-day operation of the TnCIS software project. The project manager shall perform duties as determined by the TnCIS steering committee, including but not limited to, oversight of contracts; software development and installation timelines; software modification and support; system implementation and budget. The project manager shall deliver periodic progress reports to the steering committee and to TJISAC. The project manager shall be paid out of the Tennessee judicial information system fund, created pursuant to the provisions of § 16-3-807.

(g) The steering committee shall meet as necessary to review the progress of the TnCIS system development in terms of the initial project scope as determined by the steering committee.

(h) The steering committee shall remain in existence for a period not to exceed five (5) years from June 30, 1999 or until such time as the TnCIS system has been implemented based on the initial project scope as determined by the TnCIS steering committee.

SECTION 3. Tennessee Code Annotated, Section 18-1-105, is amended by adding the following language as a new, appropriately designated subsection:

( )

(1) Install and maintain the Tennessee court information system (TnCIS) as provided by the administrative office of the courts (AOC) or a functionally equivalent computer system. The implementation of TnCIS in the offices of the court clerks shall be determined by the TnCIS steering committee and shall be based on the availability of adequate funding. The TnCIS software shall be made available to all offices of court clerks, including those offices previously automated and those offices within Shelby, Davidson, Knox, and Hamilton counties.

(2) Notwithstanding any other provision of law to the contrary, any court clerk office having a significant investment in an existing computer system shall not be required to acquire a new computer system, or to modify or convert an existing system to utilize the TnCIS software. Provided, however, such court clerk offices shall maintain a computer system that will report electronically all data required under Supreme Court Rule 11 § 2, or otherwise statutorily mandated; and the AOC shall provide for the necessary data transfers with other state agencies as defined by the AOC or as statutorily required.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1175 By deleting the following language from the amendatory language of Section 2 as amended:

The steering committee shall consist of seven (7) members as follows: three (3) court clerk members to be selected by TJISAC, two (2) members appointed by the comptroller of the treasury and two (2) members appointed by the administrative office of the courts (AOC).

And by substituting instead the following language:

The steering committee shall consist of thirteen (13) members as follows: three (3) court clerk members to be selected by TJISAC, two (2) members appointed by the comptroller of the treasury, two (2) members appointed by the administrative office of the courts (AOC) and six (6) members of the general assembly to be appointed by the respective speakers, as follows: one (1) member of the Senate Finance, Ways and Means Committee, one (1) member of the House Finance Ways and Means Committee, one (1) member of the Senate Judiciary Committee, one (1) member of the House Judiciary Committee, the Speaker of the Senate or the Speaker's designee and the Speaker of the House of Representatives or the Speaker's designee.

On motion, Amendment No. 2 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 1175**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1733** -- Gas, Petroleum Products, Volatile Oils - Clarifies authority of intrastate natural gas pipeline corporations to sell, transport and distribute natural gas. Amends TCA Section 7-82-301 and Title 65. by \*Arriola, \*McAfee, \*Jones U (Shelby), \*Cooper B, \*Towns, \*Miller L. (\*SB488 by \*Haynes, \*Harper)

On motion, House Bill No. 1733 was made to conform with **Senate Bill No. 488**; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that Senate Bill No. 488 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Arriola moved that **Senate Bill No. 488** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

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**\*House Bill No. 899** -- Administrative Procedure - Authorizes government operations committees to suspend effectiveness of rules already in effect. Amends TCA Title 4, Chapter 5. by \*Kernell. (SB1271 by \*Springer)

Rep. Kernell requested that House Bill No. 899 be moved down 15 places on the Calendar.

**House Bill No. 1550** -- Criminal Offenses - Revises penalties for certain drug related offenses. Amends TCA Title 39, Chapter 17. by \*Sands, \*Boyer. (\*SB1476 by \*McNally, \*Graves)

Rep. Sands moved that House Bill No. 1550 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1550 by deleting from subsection (b)(4) in the amendatory language of SECTION 1 the language "\$500" and by substituting instead the language "\$750".

AND FURTHER AMEND by deleting from subsection (b)(5) in the amendatory language of SECTION 1 the language "\$750" and by substituting instead the language "\$850".

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Sands moved that **House Bill No. 1550**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes .....	6
Present and not voting .....	14

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davis (Cocke), Davis (Washington), Dunn, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Langster, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Wood -- 70.

Representatives voting no were: Cooper, Davidson, Eckles, Turner (Shelby), Windle, Winningham -- 6.

Representatives present and not voting were: Brown, Ferguson, Hargrove, Head, Jones U., Kisber, Maddox, McDonald, Newton, Rhinehart, Ridgeway, Towns, Williams, Mr. Speaker Naifeh -- 14.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from present not voting to aye on House Bill No. 1550 and have this statement entered in the Journal: Rep(s). Maddox.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 933** -- Purchasing - Enacts "State and Local Purchasing Act of 1999." Amends TCA Title 12, Chapter 3. by \*McDonald. (\*SB752 by \*Graves)

Rep. McDonald moved that House Bill No. 933 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 933 By deleting subdivision (1) of SECTION 2 in its entirety and by substituting instead the following new subdivision (1):

(1) Enable state agencies and local governments to reduce the cost of the purchasing process by distributing their solicitations and receiving bids, proposals, and other offers electronically.

AND FURTHER AMEND BY adding the following new sentence to the end of the amendatory language in SECTION 3:

In addition, state agencies and local governments may receive bids, proposals, and other offers electronically.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Brown moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 933 By adding the following new language to the amendatory language of Section 3:

In order to assure the fullest possible participation of small businesses and minority owned businesses, state agencies and local governments shall not require such small businesses and minority owned businesses to receive or respond to invitations to bid, requests for proposals, or other solicitations electronically.



On motion, Amendment No. 2 was adopted.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. McDonald moved that **House Bill No. 933**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....90  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**House Bill No. 1285** -- Racing - Revives Tennessee state racing commission; transfers duties and responsibilities of commission to department of commerce and insurance. Amends TCA Title 4, Chapters 29 and 36. by \*Jones U (Shelby). (\*SB887 by \*Kyle)

Rep. U. Jones moved that House Bill No. 1285 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

**House Bill No. 1279** -- Education, Higher - Enacts Teaching Fellows Program. Amends TCA Title 49, Chapter 4. by \*Jones U (Shelby), \*Langster, \*DeBerry J. (\*SB744 by \*Dixon)

Rep. U. Jones moved that House Bill No. 1279 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1279 by deleting all provisions of the bill following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-212 (c), is amended by designating the present subsection to be subdivision (c)(1), and by adding the following new subdivision:

(c)(2) All scholarship loans shall be evidenced by notes made payable to the corporation that shall bear interest at the rate of nine percent (9%) per year beginning September 1 after completion of the program, or immediately after termination of the scholarship loan, whichever is earlier. The scholarship loan may be terminated by the recipient withdrawing from school or by the recipient not meeting the standards set by the corporation.

SECTION 2. Tennessee Code Annotated, Section 49-4-212 (d), is amended by designating the present subsection to be subdivision (d)(1), and by adding the following new subdivision:

(d)(2) The corporation shall also forgive the loan if, within seven (7) years after graduation, the recipient teaches for three (3) consecutive years, unless the recipient takes an approved leave of absence, at a Tennessee public school in a local school administrative unit that, at the time the recipient accepts employment with the unit, is a low-performing school system or is on warning status as defined by the state commissioner or board of education. The corporation shall also forgive the loan if it finds that it is impossible for the recipient to teach for four (4) years, within seven (7) years after graduation, at a Tennessee public school because of the death or permanent disability of the recipient.

SECTION 3. Tennessee Code Annotated, Section 49-4-706 (a)(4), is amended by designating the present subdivision to be subdivision (a)(4)(A), and by adding the following new subdivision:

(A)(4)(B) The corporation shall also forgive the loan if, within seven (7) years after graduation, the recipient teaches for three (3) consecutive years, unless the recipient takes an approved leave of absence, at a Tennessee public school in a local school administrative unit that, at the time the recipient accepts employment with the unit, is a low-performing school system or is on warning status as defined by the state commissioner or board of education. The corporation shall also forgive the loan if it finds that it is impossible for the recipient to teach for four (4) years, within seven (7) years after graduation, at a Tennessee public school because of the death or permanent disability of the recipient.

SECTION 4. Tennessee Code Annotated, Section 49-4-706 (b), is amended by designating the present subsection to be subdivision (b)(1), and by adding the following new subdivision:

(b)(2): All scholarship loans shall be evidenced by notes made payable to the corporation that shall bear interest at the rate of nine percent (9%) per year beginning September 1 after completion of the program, or immediately after termination of the scholarship loan, whichever is earlier. The scholarship loan may be terminated by the recipient withdrawing from school or by the recipient not meeting the standards set by the corporation.

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SECTION 5. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. U. Jones moved that **House Bill No. 1279**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes .....	0
Present and not voting .....	9

Representatives voting aye were: Arriola, Baird, Bone, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives present and not voting were: Beavers, Black, Bunch, Davis (Washington), Dunn, Hargett, Sharp, Todd, Walker -- 9.

A motion to reconsider was tabled.

**\*House Bill No. 861** -- Taxes, Income - Converts Hall income tax to 3 percent income tax based on federal adjusted gross income, reduces sales tax by .5 percent. Amends TCA Title 67. by \*Turner (Shelby), \*Head. (SB1263 by \*Dixon)

Rep. Head moved that House Bill No. 861 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

**House Bill No. 194** -- Taxes, Income - Exempts certain trusts and trustees from Hall income tax. Amends TCA Section 67-2-104. by \*Kisber. (\*SB77 by \*Rochelle)

On motion, House Bill No. 194 was made to conform with **Senate Bill No. 77**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 77 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that **Senate Bill No. 77** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**House Bill No. 1535** -- Managed Care Organizations - Establishes procedure for prompt payment of provider claims by HMOs involved in TennCare program. Amends TCA Section 56-32-226 and Title 71, Chapter 5. by \*Kisber, \*Hargrove, \*McDaniel, \*Walker (Rhea), \*Caldwell, \*Jones, S.. (\*SB1451 by \*Atchley, \*Crowe, \*Herron, \*McNally)

On motion, House Bill No. 1535 was made to conform with **Senate Bill No. 1451**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1451 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

#### **Amendment No. 2**

AMEND Senate Bill No. 1451 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Except as otherwise provided by the provisions of this act, any costs associated with implementing the provisions of this act shall be paid for with funds that have been appropriated for purposes of administering the TennCare program.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Towns moved the previous question, which motion prevailed.

Rep. Kisber moved that **Senate Bill No. 1451**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
 Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**House Bill No. 1536** -- TennCare - Requires commissioner of health, with consent of comptroller, to contract with independent entity to verify, on annual basis, that MCOs are delivering services in compliance with contract and statutes, including adequate networks; findings to be submitted to commissioner and comptroller. Amends TCA Title 56, Chapter 32. by \*Kisber, \*Hargrove, \*Caldwell, \*Jones, S.. (\*SB1381 by \*Rochelle)

Rep. Kisber moved that House Bill No. 1536 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

#### **Amendment No. 1**

AMEND House Bill No. 1536 by deleting all the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 32, is amended by adding the following new appropriately designated section:

Section \_\_\_\_\_. (a) It is the intent of this section to establish a procedure to verify that the health maintenance organizations and behavioral health organizations participating by contract in the TennCare program are delivering the health benefits required under their TennCare contracts with the state. This procedure shall also assure that each of these entities have adequate provider networks to ensure the effective and efficient delivery of healthcare services to TennCare enrollees.

(b) The commissioner, with the advice and consent of the state comptroller's office, shall contract with an entity independent of the state of Tennessee to conduct annual reviews of organizations contracting with the state in the TennCare program. The contract shall be entered into in accordance with appropriate state procedures. The purpose of this contract shall be to verify, on an annual basis, that each health maintenance organization and behavioral health organization contracting with the state of Tennessee in the TennCare program is delivering health care services in conformity with the state's TennCare contract and applicable statutory authority. This annual review shall include verifying that each of these organizations maintains an adequate network. The standards for network adequacy are defined by the TennCare contract and applicable statutes and regulations. Nothing in this subsection precludes the expansion of the state's current contract with its External Quality Review Organization ("EQRO") to include having the EQRO conduct this review. The contractor shall submit all findings for each organization in writing to the commissioner, the state comptroller and the director of the TennCare Bureau.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1536 by adding the following as new sections immediately preceding the last section and by renumbering the subsequent section appropriately:

SECTION \_\_\_. Tennessee Code Annotated, Title 56, Chapter 32, Part 2, is amended by adding a new section as follows:

For the purposes of regulation and oversight of health maintenance organizations that participate in the TennCare program under Title XIX of the Social Security Act or any successor to the TennCare program, and in addition to the powers and duties set forth in this title, the department of commerce and insurance shall have the power to examine and investigate the affairs of every person, entity, health maintenance organization, or an affiliate of the parent or the health maintenance organization, in order to determine whether the person, entity, health maintenance organization, or an affiliate of the parent or the health maintenance organization, is operating in accordance with the provisions of this part and title 71, chapter 5.

SECTION \_\_\_. Tennessee Code Annotated, 56-32-202, is amended by adding two new subsections as follows:

(11) For the purposes of regulating a health maintenance organization ("HMO") that participates in the TennCare program under Title XIX of the Social Security Act or any successor to the TennCare program, "Affiliate" means any entity that exercises control over or is controlled by the HMO, directly or indirectly through:

(A) Equity ownership of voting securities;

(B) Common managerial control; or

(C) Collusive participation by the management of the HMO and affiliate in the management of the HMO or the affiliate.

(12) For the purposes of regulating an HMO that participates in the TennCare program under Title XIX of the Social Security Act or any successor to the TennCare program, "Person" includes an individual, insurer, company, association, organization, Lloyds, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, solicitor, service representative, adjuster, and every legal entity.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 56-32-217, is amended by adding a new subsection as follows:

(\_) For the purposes of supervision, rehabilitation, or liquidation of health maintenance organizations that participate in the TennCare program under Title XIX of the Social Security Act or any successor to the TennCare program, and in addition to the powers and duties set forth in this part, the department or the chancery court shall have the power to examine and investigate the affairs of every person, entity, health maintenance organization, or an affiliate of the parent or the health maintenance organization, in order to determine whether the person, entity, health maintenance organization, or an affiliate of the parent or the health maintenance organization, is operating in accordance with the provisions of this part and title 71, chapter 5. For purposes of this subsection, "Affiliate" means any entity which exercises control over or is controlled by the HMO, directly or indirectly through:

(A) Equity ownership of voting securities;

(B) Common managerial control; or

(C) Collusive participation by the management of the HMO and affiliate in the management of the HMO or the affiliate.

For purposes of this subsection, "Person" includes an individual, insurer, company, association, organization, Lloyds, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, solicitor, service representative, adjuster, and every legal entity.

Rep. Kisber moved adoption of Amendment No. 1 to Amendment No. 2 as follows:

**Amendment No. 1 to 2**

AMEND House Bill No. 1536 In the first and third unnumbered sections of the amendment by deleting the language " or an affiliate of the parent or the health maintenance organization," wherever it appears and by substituting the language "an affiliate of the parent of the health maintenance organization, or an affiliate of the health maintenance organization,".

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Rep. Kisber moved that Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as amended, be adopted, which motion prevailed.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 1536 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Any costs associated with implementing the provisions of this act shall be paid for with funds that have been appropriated for purposes of administering the TennCare program.

On motion, Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 3 was adopted.

Rep. Kisber moved that **House Bill No. 1536**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.



## **THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**House Bill No. 332** -- TennCare - Requires TennCare MCOs to contract with certain hospitals. Amends TCA Title 56 and Title 71. by \*Kisber, \*Walker (Rhea), \*Caldwell, \*Jones, S.. (\*SB325 by \*Henry, \*Crutchfield, \*Ford J)

Rep. Kisber moved that House Bill No. 332 be reset for the Regular Calendar on May 25, 1999, which motion prevailed.

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 20, 1999:

**House Resolution No. 70** -- Memorials, Interns - Adam Markham. by \*Head, \*Cole (Dyer), \*Kisber.

**House Resolution No. 71** -- Memorials, Interns - Bradley Jackson. by \*Kisber, \*Head, \*Cole (Dyer), \*White.

**House Resolution No. 72** -- Memorials, Personal Occasion - Windom Thomas Wilson, 95th birthday. by \*Montgomery.

**House Joint Resolution No. 275** -- Memorials, Professional Achievement - Sprint's 100 year anniversary. by \*Godsey, \*Davis (Washington), \*Mumpower, \*Westmoreland.

**House Joint Resolution No. 276** -- Memorials, Academic Achievement - Lacy Cochran, 1999 Salutatorian, Rhea County High School. by \*Walker (Rhea), \*Curtiss.

**House Joint Resolution No. 277** -- Memorials, Academic Achievement - Jeremy Marvel, Salutatorian, Cumberland County High School. by \*Walker (Rhea), \*Curtiss.

**House Joint Resolution No. 278** -- Memorials, Academic Achievement - Amanda Ward, Valedictorian, Rhea County High School. by \*Walker (Rhea).

**House Joint Resolution No. 279** -- Memorials, Academic Achievement - Kendra Lynne Wyatt, Valedictorian, Cumberland County High School. by \*Walker (Rhea), \*Curtiss.

**House Joint Resolution No. 280** -- Memorials, Interns - Mary Beth Odom. by \*Hargrove, \*Williams (Williamson).

**House Joint Resolution No. 281** -- Memorials, Interns - Kerri Grogan. by \*Hargrove.

### **SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for May 20, 1999:

**Senate Joint Resolution No. 345** -- Memorials, Retirement - Dr. Albert J. Mitchum. by \*Kurita.

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**Senate Joint Resolution No. 347** -- Memorials, Interns - Ryan Perry Durham. by \*Cooper, \*Clabough.

**Senate Joint Resolution No. 348** -- Memorials, Interns - Kourtney Kuypers. by \*Ramsey.

**Senate Joint Resolution No. 349** -- Memorials, Interns - Ashley Sevelle Hampton. by \*Herron.

**Senate Joint Resolution No. 350** -- Memorials, Heroism - Corporal Rodolfo P. Hernandez. by \*Crowe.

**Senate Joint Resolution No. 351** -- Memorials, Personal Achievement - Courtney DeShea Andrews, 1999 Bootstrap Awards winner. by \*Rochelle.

**Senate Joint Resolution No. 352** -- Memorials, Interns - Mohamad Adel Akbik. by \*Burchett.

**Senate Joint Resolution No. 413** -- Memorials, Academic Achievement - John G. Dayton, Hendersonville High School Salutatorian. by \*Graves.

**Senate Joint Resolution No. 414** -- Memorials, Retirement - Margaret B. Walls. by \*Davis L.

**Senate Joint Resolution No. 415** -- Memorials, Retirement - Anne K. Kerr. by \*Davis L.

**Senate Joint Resolution No. 420** -- Memorials, Retirement - Stephen B. Payne. by \*Crowe.

**Senate Joint Resolution No. 421** -- Memorials, Recognition - Gray School, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 422** -- Memorials, Recognition - Doe Elementary School, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 423** -- Memorials, Recognition - Woodland Elementary School, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 424** -- Memorials, Recognition - University School, Washington County, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 429** -- Memorials, Academic Achievement - Brandon Helm, United States Military Academy graduate. by \*Rochelle.

**SUPPLEMENTAL CONSENT CALENDAR**

**House Resolution No. 70** -- Memorials, Interns - Adam Markham. by \*Head, \*Cole (Dyer), \*Kisber.

**House Resolution No. 71** -- Memorials, Interns - Bradley Jackson. by \*Kisber, \*Head, \*Cole (Dyer), \*White.

**House Resolution No. 72** -- Memorials, Personal Occasion - Windom Thomas Wilson, 95th birthday. by \*Montgomery.

**House Joint Resolution No. 275** -- Memorials, Professional Achievement - Sprint's 100 year anniversary. by \*Godsey, \*Davis (Washington), \*Mumpower, \*Westmoreland.

**House Joint Resolution No. 276** -- Memorials, Academic Achievement - Lacy Cochran, 1999 Salutatorian, Rhea County High School. by \*Walker (Rhea), \*Curtiss.

**House Joint Resolution No. 277** -- Memorials, Academic Achievement - Jeremy Marvel, Salutatorian, Cumberland County High School. by \*Walker (Rhea), \*Curtiss.

**House Joint Resolution No. 278** -- Memorials, Academic Achievement - Amanda Ward, Valedictorian, Rhea County High School. by \*Walker (Rhea).

**House Joint Resolution No. 279** -- Memorials, Academic Achievement - Kendra Lynne Wyatt, Valedictorian, Cumberland County High School. by \*Walker (Rhea), \*Curtiss.

**House Joint Resolution No. 280** -- Memorials, Interns - Mary Beth Odom. by \*Hargrove, \*Williams (Williamson).

**House Joint Resolution No. 281** -- Memorials, Interns - Kerri Grogan. by \*Hargrove.

**Senate Joint Resolution No. 345** -- Memorials, Retirement - Dr. Albert J. Mitchum. by \*Kurita.

**Senate Joint Resolution No. 347** -- Memorials, Interns - Ryan Perry Durham. by \*Cooper, \*Clabough.

**Senate Joint Resolution No. 348** -- Memorials, Interns - Kourtney Kuypers. by \*Ramsey.

**Senate Joint Resolution No. 349** -- Memorials, Interns - Ashley Sevelle Hampton. by \*Herron.

**Senate Joint Resolution No. 350** -- Memorials, Heroism - Corporal Rodolfo P. Hernandez. by \*Crowe.

**Senate Joint Resolution No. 351** -- Memorials, Personal Achievement - Courtney DeShea Andrews, 1999 Bootstrap Awards winner. by \*Rochelle.

**Senate Joint Resolution No. 352** -- Memorials, Interns - Mohamad Adel Akbik. by \*Burchett.

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**Senate Joint Resolution No. 413** -- Memorials, Academic Achievement - John G. Dayton, Hendersonville High School Salutatorian. by \*Graves.

**Senate Joint Resolution No. 414** -- Memorials, Retirement - Margaret B. Walls. by \*Davis L.

**Senate Joint Resolution No. 415** -- Memorials, Retirement - Anne K. Kerr. by \*Davis L.

**Senate Joint Resolution No. 420** -- Memorials, Retirement - Stephen B. Payne. by \*Crowe.

**Senate Joint Resolution No. 421** -- Memorials, Recognition - Gray School, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 422** -- Memorials, Recognition - Doe Elementary School, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 423** -- Memorials, Recognition - Woodland Elementary School, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 424** -- Memorials, Recognition - University School, Washington County, Incentive Award 1997-1998. by \*Crowe.

**Senate Joint Resolution No. 429** -- Memorials, Academic Achievement - Brandon Helm, United States Military Academy graduate. by \*Rochelle.

Rep. Bone moved that all members voting aye on Senate Joint Resolution No. 351 and Senate Joint Resolution No. 429 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 275** -- Contractors - Establishes licensure procedures and requirements for residential and light commercial electrical contractors. Amends TCA Title 62, Chapter 6, Part 1. by \*Curtiss, \*Phelan, \*Gunnels, \*Head, \*Mumpower, \*Godsey, \*McDaniel, \*Sargent, \*Bittle, \*Kisber, \*Bowers, \*Kent, \*Walker (Rhea). (SB306 by \*Atchley)

On motion, House Bill No. 275 was made to conform with **Senate Bill No. 306**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 306 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1 as House Amendment No. 2.

Rep. Kerr moved the previous question, which motion prevailed.

Rep. Curtiss moved that **Senate Bill No. 306** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	82
Noes .....	0
Present and not voting .....	7

Representatives voting aye were: Arriola, Baird, Bittle, Bone, Boyer, Briley, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Pleasant, Rhinehart, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives present and not voting were: Beavers, Black, Buck, Fowlkes, Patton, Pinion, Windle -- 7.

A motion to reconsider was tabled.

### CHAIR TO RINKS

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 231** -- Business and Commerce - Enacts "Tennessee Minority and Women Business Enterprise Act of 1999." Amends TCA Title 54. by \*Bowers, \*DeBerry J. (SB417 by \*Harper)

Rep. J. DeBerry moved that House Bill No. 231 be reset for the Regular Calendar on May 25, 1999, which motion prevailed.

**House Bill No. 592** -- Health - Enacts "Clinical Perfusionist Licensure Act." Amends TCA Title 63. by \*Armstrong, \*Eckles, \*Pruitt, \*Jones U (Shelby), \*DeBerry L, \*Turner (Hamilton), \*Whitson, \*DeBerry J, \*Cole (Carter), \*Brown, \*Odom, \*Turner (Shelby), \*McAfee, \*Brooks. (\*SB310 by \*Ford J, \*Crutchfield, \*Fowler)

On motion, House Bill No. 592 was made to conform with **Senate Bill No. 310**; the Senate Bill was substituted for the House Bill.

Rep. Eckles moved that Senate Bill No. 310 be passed on third and final consideration.

On motion, Rep. McAfee withdrew Government Operations Committee Amendment No. 1.

Rep. Eckles moved that **Senate Bill No. 310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

OUT OF ORDER

Rep. Eckles requested that House Bill No. 1326 be heard out of order, without objection.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1326** -- Children - Establishes birth defects registry. Amends TCA Title 68, Chapter 5, Part 5. by \*Eckles, \*Caldwell, \*Davidson, \*Hood, \*Bone, \*Robinson, \*Walley, \*McDonald, \*Fowlkes, \*Williams (Williamson), \*Head, \*Kisber, \*McMillan, \*Hargrove, \*Armstrong, \*Turner (Hamilton), \*Curtiss, \*Rhinehart, \*Hagood, \*Harwell, \*Godsey, \*Mumpower, \*White, \*Fraleigh, \*Ridgeway, \*Maddox, \*Fitzhugh, \*Jackson, \*Tidwell, \*DeBerry L., \*Bowers, \*Pruitt, \*Langster, \*Cooper B, \*Towns, \*Hassell, \*Chumney. (SB1678 by \*Harper)

Rep. Eckles moved that House Bill No. 1326 be passed on third and final consideration.

Rep. Eckles moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1326 In subdivision (b)(3) of the amendatory language of Section 1 by adding the following language immediately after the third sentence of the printed bill:

"Providers acting pursuant to this section shall not be liable for the release of medical records as authorized by this section."

AND FURTHER AMEND in subdivision (b)(3) of the amendatory language of Section 1 by deleting the second sentence of the subdivision in the printed bill.

AND FURTHER AMEND in the amendatory language of Section 1 by deleting subdivision (b)(6) in its entirety and by substituting instead the following:

(6) The registry shall be implemented as a pilot project to include reporting by any of the five (5) designated perinatal centers choosing to be included in the pilot project. Perinatal centers participating in the pilot project shall report birth defects registry as required by the commissioner of health.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Eckles moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1326 In subsection (c) of the amendatory language of Section 1 by adding the following language at the end of the subsection: "In order for a family of a child with a birth defect to participate in the referral program established by this subsection the child's parents or legal guardian must contact the department and request to be included in such program."

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On motion, Health and Human Resources Committee Amendment No. 2 was adopted.

Rep. Eckles moved that **House Bill No. 1326**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Dunn, Goins -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 757** -- Highways, Roads and Bridges - Deletes penalty for failure of ferry to provide timely, adequate transportation. Amends TCA Title 4, Title 7, Title 42, Title 54, Title 55, Title 65, and Title 67. by \*Head, \*Buck, \*Curtiss, \*Davis (Cocke), \*Roach. (SB1272 by \*Springer)

Rep. Head moved that House Bill No. 757 be reset for the Regular Calendar on May 25, 1999, which motion prevailed.

**\*House Bill No. 1132** -- Transportation, Dept. of - Clarifies certain aspects of process of removal, relocation or adjustment of utility facilities in conjunction with construction projects undertaken by department. Amends TCA Title 54, Chapter 5, Part 8. by \*Buttry, \*McDaniel. (SB1616 by \*Hau, \*McNally)

On motion, House Bill No. 1132 was made to conform with **Senate Bill No. 1616**; the Senate Bill was substituted for the House Bill.

Rep. Buttry moved that Senate Bill No. 1616, be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2.



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Rep. Buttry moved that Senate Bill No. 1616 be reset for the Regular Calendar on May 25, 1999, which motion prevailed.

**\*House Bill No. 899** -- Administrative Procedure - Authorizes government operations committees to suspend effectiveness of rules already in effect. Amends TCA Title 4, Chapter 5. by \*Kernell. (SB1271 by \*Springer)

Further consideration of House Bill No. 899 previously considered on today's Calendar.

Rep. Kernell moved that House Bill No. 899 be reset for the Regular Calendar on May 26, 1999, which motion prevailed.

**\*House Bill No. 940** -- Aged Persons - Creates criminal offenses of exploitation of elderly or disabled adult and fiduciary abuse; set penalties; provides civil remedy for such offenses; provides for department of human services to report violations by licensed persons or entities. Amends TCA Title 39, Chapter 13 and Title 71, Chapter 6, Part 1. by \*Scroggs. (SB1350 by \*Cohen)

On motion, House Bill No. 940 was made to conform with **Senate Bill No. 1350**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that Senate Bill No. 1350 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Scroggs moved that **Senate Bill No. 1350** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
Noes.....0

Representatives voting aye were: Arriola, Baird, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 1868** -- Welfare - Broadens offense of fraud of public assistance benefits. Amends TCA Section 71-3-120 and Title 71, Chapter 5, Part 3. by \*Scroggs, \*McDaniel. (SB1788 by \*Fowler, \*McNally, \*Williams)

On motion, House Bill No. 1868 was made to conform with **Senate Bill No. 1788**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that **Senate Bill No. 1788** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 171** -- Courts, General Sessions - Creates additional division to Shelby County General Sessions Court; authorizes creation of drug court. Amends Chapter 772 of the Public Acts of 1982, as amended. by \*Scroggs. (SB378 by \*Person)

Rep. Scroggs moved that House Bill No. 171 be passed on third and final consideration.

Rep. Head moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 171 by deleting the first sentence of the last paragraph in Section 1 and by substituting instead the following:

The District Attorney General shall appoint three (3) assistants to serve the additional division of the general sessions court and the cost of such positions shall be paid solely from local funds. No state funds shall be expended to fund such positions or related expenses. Such assistants shall serve at the pleasure of the District Attorney General.

There shall be no increase in the amount of the state grant for public defenders to implement the provisions of this act.

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by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall be repealed if local funding to implement the provisions of this act is inadequate to fund its implementation.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Scroggs moved that **House Bill No. 171**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes .....	1
Present and not voting .....	4

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 88.

Representatives voting no were: Head -- 1.

Representatives present and not voting were: Hargrove, Kisber, McMillan, Mr. Speaker Naifeh -- 4.

A motion to reconsider was tabled.

**House Bill No. 979** -- Municipal Government - Declares graffiti on public property or visible from publicly owned property to be public nuisance which may be abated by civil action or suit in circuit or chancery court; authorizes municipalities to adopt ordinance to use municipal funds to remove graffiti under certain circumstances. Amends TCA Title 6, Chapter 54. by \*Briley, \*Garrett, \*Robinson, \*Harwell, \*Pruitt, \*Langster. (\*SB922 by \*Harper)

On motion, House Bill No. 979 was made to conform with **Senate Bill No. 922**; the Senate Bill was substituted for the House Bill.

Rep. Briley moved that Senate Bill No. 922 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 2.

Rep. Briley moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 922 by deleting in subdivision (e)(2) of Section 1 the following language:

By giving such written consent, the owner and the tenant each waives the right to notice and a hearing by the municipality as otherwise required by subsection (f).

Rep. U. Jones requested that Senate Bill No. 922 be moved down 5 places on the Calendar, without objection.

**\*House Bill No. 1945** -- Juvenile Offenders - Expands circumstances under which juvenile may be detained in secure facility to include any felony or violation of probation or aftercare, along with other required factors. Amends TCA Section 37-1-114. by \*Briley, \*Jones, S.. (SB1973 by \*Henry)

Rep. Briley moved that **House Bill No. 1945** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	1
Present and not voting .....	2

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: Brown, Cooper -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 1027** -- Tobacco, Tobacco Products - Rewrites Prevention of Youth Access to Tobacco Act; adds civil offense of minor possessing tobacco product, punishable by juvenile court citation; modifies department of agriculture enforcement; creates new civil penalties subject to UAPA hearings. Amends TCA Title 39, Chapter 17, Part 15. by \*Jackson, \*Bowers, \*Caldwell, \*Ferguson, \*Fitzhugh, \*Maddox, \*Jones, S., \*Brooks, \*Jones U (Shelby), \*Kernell. (SB1380 by \*Person, \*Carter, \*Williams, \*Dixon)

On motion, House Bill No. 1027 was reset for the Regular Calendar on May 25, 1999, without objection.

**House Bill No. 1250** -- Teachers, Principals and School Personnel - Provides for development by department of education and implementation by LEAs of safe school in-service training programs dealing with drugs, alcohol, and other student or gang related violence in schools. Amends TCA Title 49, Chapter 1, by \*Maddox, \*Winningham, \*McMillan, \*Jackson, \*Stulce, \*Kent, \*Davis (Cocke), \*Fitzhugh, \*Ferguson, \*Cooper B, \*Frale. (\*SB346 by \*Dixon, \*Harper, \*Burks)

On motion, House Bill No. 1250 was made to conform with **Senate Bill No. 346**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that Senate Bill No. 346 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. Maddox moved that **Senate Bill No. 346** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1298** -- Energy - Clarifies that municipal electric plants can use eminent domain to condemn property; increases compensation of members of board of public utilities from \$100 to \$200 per month. Amends TCA Section 7-52-105 and Section 7-52-110. by \*Maddox, \*Pinion, \*Kisber, \*Curtiss, \*Rhinehart, \*Phelan, \*Cole (Dyer), \*Fitzhugh. (\*SB1248 by \*Herron)

On motion, House Bill No. 1298 was made to conform with **Senate Bill No. 1248**; the Senate Bill was substituted for the House Bill.

Rep. Maddox moved that **Senate Bill No. 1248** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Davis (Washington), Godsey -- 2.

A motion to reconsider was tabled.

**\*Senate Bill No. 922** -- Municipal Government - Declares graffiti on public property or visible from publicly owned property to be public nuisance which may be abated by civil action or suit in circuit or chancery court; authorizes municipalities to adopt ordinance to use municipal funds to remove graffiti under certain circumstances. Amends TCA Title 6, Chapter 54. by \*Harper. (HB979 by \*Briley, \*Garrett, \*Robinson, \*Harwell, \*Pruitt, \*Langster, \*Turner (Hamilton))

Further consideration of Senate Bill No. 922 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill, Amendment(s) No(s). 1 and 2 were withdrawn and the House was on the motion to adopt Amendment No. 3.

Rep. Briley moved that Senate Bill No. 922 be passed on third and final consideration.

On motion, Amendment No. 3 was adopted.

Rep. Kerr moved the previous question, which motion prevailed.

Rep. Briley moved that **Senate Bill No. 922**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
 Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1335** -- Victims' Rights - Increases amounts recoverable by victims of crime under Criminal Injuries Compensation Act; authorizes compensation for clean up of homicide scene. Amends TCA Title 29, Chapter 13, Parts 1 and 2; Section 40-24-107 and Section 67-4-606. by \*McMillan, \*Hargrove. (\*SB867 by \*Kyle, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Davis L., \*Dixon, \*Elsa, \*Ford J., \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Kurita, \*Kyle, \*Leatherwood, \*McNally, \*Miller J., \*Person, \*Ramsey, \*Rochelle, \*Springer, \*Wilder, \*Williams, \*Womack)

On motion, House Bill No. 1335 was made to conform with **Senate Bill No. 867**; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 867 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 867** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
 Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 1524** -- Civil Service - Requires governor to file reduction-in-force plan with speakers of house and senate prior to actions which affect career service positions; authorizes certain employees to retain present compensation subsequent to demotion. Amends TCA Title 8, Chapter 30. by \*McMillan, \*Williams (Williamson), \*Langster, \*Pruitt, \*Jones U (Shelby), \*Jones, S., \*McDonald, \*Pinion, \*Ridgeway, \*Fitzhugh, \*White, \*Eckles, \*Briley, \*Windle, \*Lewis, \*Turner (Hamilton), \*DeBerry L, \*Whitson. (\*SB1585 by \*Womack)

Rep. McMillan moved that House Bill No. 1524 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1524 is amended by deleting the language after the enacting clause in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-30-320, is amended by adding the following language as new, appropriately designated subsections:

( ) If at any time prior to or during any reduction-in-force the governor determines that the reduction-in-force will impair and/or disrupt governmental services to the public, the governor shall notify the speaker of the senate and the speaker of the house of representatives of the anticipated impairment and/or disruption of such governmental services. The governor shall advise the speaker of the senate and the speaker of the house of representatives of the actions which shall be undertaken by the governor and the affected department(s) to minimize the impairment and/or disruption of such governmental services.

( ) Any involuntary reduction in rank sustained by any career service employee as a result of a reduction-in-force may not result in any salary reduction below the range maximum of the employee's new job classification. The salary of any career service employee who receives an involuntary reduction in rank may not be reduced if it falls within the salary range of the lower classification.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, State and Local Government Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 1524**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes .....90  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

**House Bill No. 1485** -- Tobacco, Tobacco Products - Makes importation of cigarettes into Tennessee that have been marked for export out of United States and other violations of federal law offense under state law. Amends TCA Title 67, Chapter 4. by \*Givens, \*Head. (\*SB1649 by \*Haun, \*Burks, \*Williams)

On motion, House Bill No. 1485 was made to conform with **Senate Bill No. 1649**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that Senate Bill No. 1649 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Givens moved that **Senate Bill No. 1649** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....88  
Noes .....0  
Present and not voting .....1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

**House Bill No. 272** -- County Boundaries - Requires each application for changing county line to be accompanied by resolution authorizing change approved by 2/3 vote of county commissioners of all counties affected by change, in addition to accurate survey and plat showing proposed changes. Amends TCA Section 5-2-104. by \*Givens, \*Pinion. (\*SB163 by \*Williams, \*Herron)

On motion, House Bill No. 272 was made to conform with **Senate Bill No. 163**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that Senate Bill No. 163 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 163 by deleting Section 2 of the printed bill in its entirety, and by substituting instead the following language:

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Givens moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. U. Jones requested that Senate Bill No. 163 be moved down 2 places on the Calendar.

**House Bill No. 1890** -- Foster Care - Establishes scholarship program for industrious foster care children who wish to pursue opportunities in higher education. Amends TCA Title 37, Chapter 5, Part 1. by \*Turner (Hamilton), \*Pruitt, \*Miller L, \*Ferguson, \*McMillan, \*Jones, S., \*Eckles, \*Bone, \*Pinion, \*Fraleigh, \*Maddox, \*Tindell, \*Armstrong, \*Briley, \*Odom. (\*SB835 by \*Crutchfield)

Rep. Turner (Hamilton) moved that House Bill No. 1890 be passed on third and final consideration.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 899 by deleting the amendatory language of Section 1 and by substituting instead the following:

( ) Establish and administer, jointly with the state treasurer, a scholarship program for the sole purpose of providing financial assistance to foster children wishing to pursue opportunities in higher education;

AND FURTHER AMEND BY inserting the following language as a new, appropriately designated section immediately preceding the final section and by renumbering the final section accordingly:

SECTION \_\_\_\_\_. For fiscal year 1999-2000, the scholarship program established and administered pursuant to Section 1 shall be funded entirely from such individual and corporate grants, donations and contributions as the commissioner and the state treasurer shall solicit and receive specifically for such scholarship program.

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved that **House Bill No. 1890**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

A motion to reconsider was tabled.

**House Bill No. 1115** -- Solid Waste Disposal - Rewrites certain provisions pertaining to fees and reduction goals of solid waste disposal. Amends TCA Title 68, Chapter 211, Part 8. by \*Bittle, \*McAfee, \*Ridgeway, \*Ford S. (\*SB1599 by \*Ramsey, \*Elsea)

Rep. Bittle moved that House Bill No. 1115 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1115 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 68-211-821, is amended by adding the following as a new subsection (c):

(c) The commissioner is directed to develop, with the input and advice of the municipal solid waste advisory committee, comprehensive goals for the system of solid waste management programs throughout the state. These goals should address waste avoidance, waste reduction, recycling, composting, and household hazardous wastes objectives and should incorporate a strategy of education, technical assistance, and incentives for assuring compliance by all solid waste regions. This program shall be put in place for grants given out after July 1, 2000, provided there is sufficient information available on the waste reduction and diversion activities of the counties at that time.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1115 by adding the following language at the end of the amendatory language of the original Section 6(a):

The method of calculating goals based on economic growth using the method prescribed by the department and approved by the Municipal Solid Waste Advisory Committee shall be promulgated as a rule in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

AND FURTHER AMEND by adding the following language at the end of the amendatory language of the original Section 6(b):

The qualitative assessment method prescribed by the department and approved by the Municipal Solid Waste Advisory Committee shall be promulgated as a rule in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. McKee moved the previous question, which motion prevailed.

Rep. Bittle moved that **House Bill No. 1115**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes .....	0
Present and not voting .....	3

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Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Curtiss, Jackson, Tidwell -- 3.

A motion to reconsider was tabled.

**\*Senate Bill No. 163** -- County Boundaries - Requires each application for changing county line to be accompanied by resolution authorizing change approved by 2/3 vote of county commissioners of all counties affected by change, in addition to accurate survey and plat showing proposed changes. Amends TCA Section 5-2-104. by \*Williams, \*Herron. (HB272 by \*Givens, \*Pinion, \*Roach, \*Montgomery)

Further consideration of Senate Bill No. 163 previously considered on today's Calendar at which time the Senate Bill was substituted for the House Bill, the House adopted Amendment No. 1 and withdrew Amendment No. 2.

Rep. Head moved that Senate Bill No. 163 be reset for the Regular Calendar on May 25, 1999, which motion prevailed.

**\*House Bill No. 740** -- Energy - Enacts "Energy Acquisition Corporations Act." Amends TCA Title 7, Chapter 39 and Section 7-51-910. by \*Kisber. (SB899 by \*Rochelle)

Further consideration of House Bill No. 740 previously considered on May 19, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

On motion, House Bill No. 740 was made to conform with **Senate Bill No. 899**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 899 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 740 by deleting from the amendatory language of Section 4 the following words:

with respect to which an energy acquisition corporation may be organized and for the benefit of which such corporation will function.

AND FURTHER AMEND Section 9 of the bill to add at the end of the last sentence of the amendatory language therein designated as Section 7 and the last sentence of the amendatory language therein designated as Section 8 the following:

provided, however, jurisdiction over any corporation against which an action on such a contract or agreement is brought shall lie solely in a court located in Tennessee which would otherwise have jurisdiction of actions brought in contract against such corporation.

AND FURTHER AMEND Section 12 by deleting the introductory language thereof and substituting in its place the following:

Tennessee Code Annotated, Section 7-39-304(a), is hereby amended to delete subdivisions (2), (3) and (4) thereof (exclusive of the paragraph following subdivision (4)) and to substitute in place thereof the following:

AND FURTHER AMEND Section 13 by deleting the introductory language thereof and substituting in place thereof the following:

Tennessee Code Annotated, Section 7-39-304, is hereby amended to designate the unnumbered paragraph following subdivision (a)(4) as subdivision (b)(1) and to add two new paragraphs immediately following said subdivision (b)(1) designated as subdivisions (b)(2) and (b)(3) as follows and to redesignate the current subdivision (b) as new subdivision (c):

AND FURTHER AMEND by deleting Section 16 of the bill and substituting in place thereof the following:

SECTION 16. Tennessee Code Annotated, Section 7-39-305 is hereby amended to add the following new subsections:

(f) With respect to all or any portion of any issue of bonds issued or anticipated to be issued hereunder, at any time during the term of the bonds, and upon receipt of a report of the comptroller of this state or his designee finding that the contracts and agreements authorized herein are in compliance with the guidelines, rules or regulations as set forth below, a corporation by resolution may authorize and enter into interest rate swap or exchange agreements, agreements establishing interest rate floors or ceilings, or both, and other interest rate hedging agreements under such terms and conditions as the board of directors of the corporation may determine, including, without limitation, provisions permitting the corporation to pay to or receive from any person or entity any loss of benefits under such agreement upon early termination thereof or default under such agreement.

(g) The governing body of a corporation may enter into an agreement to sell its bonds under this part providing for delivery of its bonds on a date greater than ninety (90) days and not greater than five (5) years (or such greater period of time if approved by the comptroller or his designee) from the date of execution of such agreement only upon receipt of a report of the comptroller of the state or his designee finding that such an agreement or contract of a corporation to sell its bonds as authorized in this subsection is in compliance with the guidelines, rules or regulations adopted or promulgated by the state funding board in accordance with the provisions below. Agreements to sell bonds for delivery ninety (90) days or less from the date of execution of the agreement to sell the bonds do not require a report of the comptroller of the state or his designee.

(h) Prior to the adoption or promulgation by the state funding board of guidelines, rules or regulations with respect to the contracts and agreements authorized in subsections (f) and (g), a corporation may enter into such contracts or agreements to the extent otherwise authorized in this chapter or in any other law notwithstanding the provisions of subsections (f) and (g) hereof. Nothing in the provisions of this section is intended to alter any existing authority in this chapter or in any other law otherwise providing authority for a corporation to enter into the contracts or agreements described in subsections (f) and (g) heretofore entered into prior to the adoption or promulgation by the state funding board of guidelines, rules or regulations.

(i) The state funding board shall establish guidelines, rules or regulations with respect to the agreements and contracts authorized in subsections (f) and (g), which may include, but shall not be limited to, the following: (1) the conditions under which such agreements or contracts can be entered into; (2) the methods by which such contracts are to be solicited and procured; (3) the form and content such contracts shall take; (4) the aspects of risk exposure associated with such contracts; (5) the standards and procedures for counterparty selection, including rating criteria; (6) the procurement of credit enhancement, liquidity facilities, or the setting aside of reserves in connection with such contracts or agreements; (7) the methods of securing the financial interest in such contracts; (8) the methods to be used to reflect such contracts in the corporation's financial statements; (9) financial monitoring and periodic assessment of such contracts by the corporation; (10) the application and source of non-periodic payments; and (11) educational requirements for officials of any corporation responsible for approving any such contract or agreement. Prior to the adoption by the board of directors of the corporation of a resolution authorizing such contract or agreement, a request shall be submitted to the comptroller of the treasury or his designee for a report finding that such contract or agreement is in compliance with the guidelines, rules or regulations of the state funding board. Within fifteen (15) days of receipt of the request, the comptroller or his designee shall determine whether the contract or agreement substantially complies with the guidelines, rules or regulations and shall report thereon to the corporation. If the report of the comptroller or his designee finds that the contract or agreement complies with the guidelines, rules or regulations of the state funding board or the comptroller shall fail to report within said fifteen (15) day period, then the corporation may take such action with respect to the proposed contract or agreement as it deems advisable in accordance with the provisions of this section and the guidelines, rules or regulations of the state funding board.

If the report of the comptroller or his designee finds that such contract or agreement is not in compliance with the guidelines, rules or regulations, then the corporation is not authorized to enter into such contract or agreement. The guidelines, rules or regulations shall provide for a process for the appeal of a determination of noncompliance.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 899**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**House Bill No. 373** -- Sunset Laws - Water quality control board, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3. by \*Kernell, \*Garrett, \*Brooks. (\*SB149 by \*Springer)

Further consideration of House Bill No. 373 previously considered on today's Calendar.

On motion, House Bill No. 373 was made to conform with **Senate Bill No. 149**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 149 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 149** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0



Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

### **MESSAGE CALENDAR**

#### **HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 195** -- Highway Signs - Names rest areas, weigh stations and welcome center on "Music Highway" (I-40 between Memphis and Nashville) in honor of various Tennessee musical artists and entities; provides for appropriate signage at such locations; urges department of tourist development to place at each such location graphic displays including information on area's musical heritage and specific artist or entity for which such location is named. by \*Kisber, \*McDaniel, \*Naifeh, \*Todd, \*Robinson, \*Caldwell, \*Ferguson, \*Whitson, \*Winningham, \*Pleasant, \*Kernell, \*Davis (Cocke), \*Cooper B, \*Fitzhugh, \*Rinks, \*Cole (Dyer), \*Pinion, \*Walley, \*Kent, \*Cole (Carter), \*West, \*Bone, \*Patton, \*Ford S, \*Bittle, \*Boyer, \*Miller L, \*Brooks, \*Bowers, \*DeBerry L, \*Towns, \*Stulce, \*Walker (Rhea). (\*SB57 by \*Cohen, \*Rochelle, \*Kurita, \*Springer, \*Cooper, \*Carter, \*Ford J, \*Dixon, \*Crowe)

#### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 195**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 195 (Senate Bill No. 57) has met and recommends that Senate Amendment(s) No(s). 1, 2, 3, 4, 5 and House Amendment No. 1 be deleted and by amending SB 57/HB 195 as follows:

by deleting all the language after the enacting clause of the bill and by substituting instead the following:

#### **SECTION 1.**

(a) Notwithstanding any other provision of law to the contrary, the rest areas, parking areas, weigh stations and welcome center located on the "Music Highway" (Interstate Highway 40 from the eastern boundary of Davidson County to the Mississippi River in Shelby County) are hereby designated as follows:

(1) eastbound rest area on I-40 in Dickson County -"Roy Acuff/George Jones Rest Area";

(2) westbound rest area on I-40 in Dickson County - "Johnny Cash Rest Area";

(3) eastbound rest area on I-40 in Benton County - "Loretta Lynn/Hank Williams, Sr. Rest Area";

(4) westbound rest area on I-40 in Benton County - "Patsy Cline/Chet Atkins Rest Area";

(5) eastbound parking area on I-40 in Henderson County - "Eddy Arnold Parking Area";

(6) westbound parking area on I-40 in Henderson County - "Al Green Parking Area";

(7) eastbound rest area on I-40 in Madison County - "Carl Perkins Rest Area";

(8) westbound rest area on I-40 in Madison County - "Isaac Hayes Rest Area/Tina Turner Rest Area";

(9) eastbound weigh station on I-40 in Haywood County - "Booker T. and the MG's/Stax Records Weigh Station";

(10) westbound weigh station on I-40 in Haywood County - "Sam Phillips/Sun Studios Weigh Station"; and

(11) eastbound welcome center on I-40 in Shelby County at Riverside Drive - "Elvis Presley/B.B. King Welcome Center".

(b) The Department of Transportation is directed to erect and maintain suitable signs adjacent to a suitable walkway to be designated as the "Rufus Thomas *Walking the Dog* Trail" at the rest area designated by subsection (a)(8).

(c) Notwithstanding any provision of law to the contrary, the Department of Transportation is directed to affix and maintain suitable signs or markers on any pre-existing directional, informational, or specific service sign or marker on Interstate 40 at Exit 148 (State Route 50) in Hickman County, both eastbound and westbound, indicating that State Route 50 from its intersection with Interstate 40 eastward to its intersection with State Route 100 in Centerville is designated as "The Minnie Pearl Memorial Parkway".

(d) The Department of Transportation is directed to erect and maintain directional signs on Interstate 40 at Exit 56 (State Route 76) in Haywood County, both eastbound and westbound, for the "Sleepy John Estes West Tennessee Heritage Center".

SECTION 2.

(a) The department of transportation is directed to erect suitable signs or to affix suitable markers at the aforementioned locations designating such rest areas, parking areas, weigh stations and welcome center as provided in Section 1(a).

(b) Such signs shall bear a logo or design with musical connotations. Such logo or design could include, but should not necessarily be limited to, representations of musical notes or musical instruments.

(c) Such signs shall be designed by the Department of Transportation in cooperation with the Department of Tourist Development.

SECTION 3. The designations provided for in Section 1(a) shall also be included, as appropriate, on all highway signs erected and maintained at and for the respective rest areas, parking areas, weigh stations and welcome center designated by this act.

SECTION 4. The erection of all signs provided for in this act shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 5. This act shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 6. The Department of Tourist Development and the Department of Transportation are urged and encouraged, within existing resources, to place at each designated rest area, parking area or welcome center a graphic display which depicts, through words and pictures, the musical history and heritage of the area in which the rest area, parking area or welcome center is located. Such graphic display should include background and historical information on such area's musical history and heritage and specific information on the musical artist or entity for whom the rest area, parking area or welcome center is named.

SECTION 7. The Department of Transportation, Department of Tourist Development and all other state agencies that print Tennessee maps are directed to include the "Music Highway" designation and the designations of the rest areas, parking areas and welcome station named by this act at appropriate locations on official Tennessee highway maps and other Tennessee maps, when such inclusion is feasible.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Cohen  
Senator Cooper  
Senator Haun

Representative Fitzhugh  
Representative Kisber  
Representative McDaniel

Rep. Kisber moved that the Report of the Conference Committee on **House Bill No. 195** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE MESSAGE

**\*House Bill No. 297** -- Safety - Requires fire drills three times a year rather than twice a month in buildings occupied by educational institutions. Amends TCA Section 68-102-137. by \*Maddox, \*Ridgeway, \*Pinion, \*Cole (Dyer), \*Tidwell. (SB1437 by \*Herron)

Rep. Maddox moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1, which motion prevailed.

#### CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 297

Pursuant to **Rule No. 73**, Representative Maddox moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 297, which motion prevailed.

The Speaker appointed Representatives Maddox, Davidson and Davis (Cocke) as the House members of the Conference Committee on House Bill No. 297.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 321** -- Education - Requires seven safety drills per school term rather than two; specifies that at least four drills shall involve evacuation of entire building. Amends TCA Section 49-5-201. by \*Maddox, \*Ridgeway, \*Pinion, \*Cole (Dyer), \*Tidwell. (SB1438 by \*Herron)

Rep. Maddox moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 321**

Pursuant to **Rule No. 73**, Representative Maddox moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 321, which motion prevailed.

The Speaker appointed Representatives Maddox, Davidson and Davis (Cocke) as the House members of the Conference Committee on House Bill No. 321.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 506** -- Transportation, Dept. of - Prohibits contracts with private persons or entities to promote achievements or goals of comprehensive state and local transportation planning. Amends TCA Title 54; Title 55; Title 65 and Title 67. by \*Head. (SB1266 by \*Springer)

Rep. Head requested that House Bill No. 506 be moved to the heel of the Message Calendar.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 530** -- Consumer Protection - Adds provisions to limit unsolicited advertising by electronic mail (anti-spamming). Amends TCA Title 47, Chapter 18. by \*Hargrove, \*Bowers, \*Hargett, \*Pleasant, \*Langster, \*Kisber, \*Hagood, \*Todd, \*Boyer. (SB690 by \*Kyle, \*Burchett, \*Cohen, \*Person, \*Burks, \*Harper, \*Crowe)

Rep. Hargrove moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1, 2 and 3, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 530**

Pursuant to **Rule No. 73**, Representative Hargrove moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 530, which motion prevailed.

The Speaker appointed Representatives Hargrove, Langster and Boyer as the House members of the Conference Committee on House Bill No. 530.

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 1328** -- State Government - Clarifies use of electronic mail by governmental agencies. Amends TCA Section 3-12-105 and Title 10, Chapter 7, Part 5. by \*Hargrove. (\*SB1539 by \*Rochelle)

#### Senate Amendment No. 1

AMEND House Bill No. 1328 By deleting in subsection (a) of Section 2 of the printed bill the language "July 1, 1999" and by substituting instead the language " July 1, 2000".

Rep. Hargrove moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1328**, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 506** -- Transportation, Dept. of - Prohibits contracts with private persons or entities to promote achievements or goals of comprehensive state and local transportation planning. Amends TCA Title 54; Title 55; Title 65 and Title 67. by \*Head. (SB1266 by \*Springer)

Further consideration of House Bill No. 506 previously considered on today's Message Calendar.

#### Senate Amendment No. 1

AMEND House Bill No. 506 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-7-112, is amended by deleting such section in its entirety and by substituting instead the following:

Section 54-7-112. (a) The chief administrative officer has supervision and control over and is responsible for all the machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. The chief administrative officer shall make or cause to be made a complete inventory of all machinery, equipment, tools, supplies, and materials, and file copies of the complete inventory with the county governing body, and the chief executive officer of the county within ninety (90) days after taking office, and thereafter a revised current inventory shall be submitted effective July 1 of each year. The revised inventory shall be submitted by September 30 of each year.

(b) All machinery, equipment and tools shall be plainly marked as the property of the county road department and each item shall be numbered and the number entered on the inventory filed by the chief administrative officer. It is the duty of the chief executive officer of the county to examine the inventories for compliance with this provision, and upon the chief executive officer's determination that the inventory does not comply with the requirements of this chapter, the chief executive officer shall cause to be withheld from the chief administrative officer any funds due the chief administrative officer until the chief administrative officer complies with this provision.

(c) The inventory filed by the chief administrative officer shall be maintained and made available to the comptroller of the treasury for audit purposes.

SECTION 2. Tennessee Code Annotated, Section 54-7-113, is amended by deleting such section in its entirety and by substituting instead the following:

Section 54-7-113. (a) All funds received by any person for the county for road or highway purposes shall be promptly deposited with the county trustee and shall be expended only upon disbursement warrant drawn upon the trustee in accordance with law.

(b) Expenditures of funds for the operation of the county road department shall be made within the limits of the approved budget and the appropriations made for the department, in accordance with law.

(c) (1) Except as provided in subdivision (c)(3), all purchases by or for a county road department or by a chief administrative officer shall be by public advertisement and competitive bid, except as follows:

(A) Purchases costing less than six thousand dollars (\$6,000); provided, that this exemption does not apply to purchases of like items which individually cost less than six thousand dollars (\$6,000), but which are customarily purchased in lots of two (2) or more, if the total purchase price of such items would exceed six thousand dollars (\$6,000) during any fiscal year;

(B) Repair of heavy road building machinery or other heavy machinery for which limited repair facilities are available;

(C) Purchases of any supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work; but such emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. A report of such emergency purchases shall be kept, specifying each purchase, the amount paid, the items purchased, from whom the items were purchased, and the nature of the emergency; and

(D) All purchases costing less than six thousand dollars (\$6,000) by or for a county road department or by a chief administrative officer may be made in the open market without newspaper notice, but shall, wherever possible, be based upon at least three (3) competitive bids.

(2) Except as provided in subdivision (c)(3), all leases or lease-purchase arrangements requiring payments of six thousand dollars (\$6,000) or more, or which are made or are automatically extendable, for periods of more than ninety (90) days, shall be entered into only after public advertisement and competitive bidding.



(3) This subsection does not have the effect of repealing existing statutes, including private acts, which establish purchasing provisions for a county road department; but no county road department shall be required to publicly advertise and competitively bid purchases of six thousand dollars (\$6,000) or less even if such bids are now required by public or private act. The provisions of this subsection apply to all counties of the state of Tennessee except counties of population of two hundred thousand (200,000) or more according to the 1970 census, whether or not excluded from the provisions of this chapter.

(d) A chart of accounts shall be kept by the chief administrative officer in conformity with a uniform chart of accounts developed and prescribed by the comptroller of the treasury in accordance with §§ 5-8-501 - 5-8-504.

SECTION 3. Tennessee Code Annotated, Section 54-7-203, is amended by deleting such section in its entirety and by substituting instead the following:

Section 54-7-203. (a) Neither the chief administrative officer, county highway commissioner, member of the county governing body nor any employee of the county road department shall be financially interested in or have any personal interest, either directly or indirectly, in the purchase of any supplies, machinery, materials, or equipment for the department or system of roads for the county, nor in any firm, corporation, partnership, association or individual selling or furnishing such machinery, equipment, supplies and materials.

(b) A violation of this section constitutes official misconduct and is a Class B misdemeanor and is grounds for removal from office.

SECTION 4. This act shall take effect July 1, 1999, the public welfare requiring it.

#### **Senate Amendment No. 2**

AMEND House Bill No. 506 By deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-114(c), is amended by adding the following new language to the end of the subsection:

This subsection shall not be applicable to vehicles having a licensed or actual weight of thirty-five thousand (35,000) pounds or less and operating not for hire solely intrastate.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

**THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

Rep. Head moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 506**, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**BILL RECALL REQUESTED**

Rep. Langster moved to recall Senate Bill No. 1227 from the Senate, which motion prevailed.

**REPORT OF DELAYED BILLS COMMITTEE**  
**May 20, 1999**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1991.

Jimmy Naifeh, Speaker  
Jere Hargrove  
Steve McDaniel

**RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended for the following bills to be introduced and passed on first consideration:

**\*House Bill No. 1991** -- Solid Waste Disposal - Subject to local approval, regulates the disposal of solid waste by non-residents in Van Buren County. Amends TCA Section 68-211-851(d), by \*Rhinehart.

**House Bill No. 1992** -- Clarksville - Subject to local approval, authorizes city council by ordinance to provide for early retirement of city officers and employees to include lump sum bonuses or incentives. Amends Chapter 252 of the Private Acts of 1929, by \*McMillan, \*Head.

**House Bill No. 1993** -- Cumberland County - Subject to local approval, establishes "Cumberland Plateau Regional Water Authority," on behalf of Cumberland County, the Catoosa Utility District, Crab Orchard Utility District, Grandview Utility District, South Cumberland Utility District and West Cumberland Utility District. by \*Walker (Rhea), \*Curtiss.

**ANNOUNCEMENTS**

**MOTION TO ADOPT REVISED SCHEDULE**

Rep. Hargrove moved that the House convene at 4:00 p.m. on Monday, May 24, 1999, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 256:** Rep(s). Kent as prime sponsor(s).

**House Bill No. 498:** Rep(s). Cooper as prime sponsor(s).

**House Bill No. 749:** Rep(s). Hargrove and Pinion as prime sponsor(s).

**House Bill No. 1512:** Rep(s). Pinion as prime sponsor(s).

**House Bill No. 1545:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 1547:** Rep(s). Pinion and McMillan as prime sponsor(s).

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

**House Bill No. 1331:** Rep(s). Cooper.

**MESSAGE FROM THE SENATE**  
**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1576; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1405; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 35,580, 1194, 1196, 1661 and 1664; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1320; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1384; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 20, 1999**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 624, 821, 901, 958, 1961, also, House Joint Resolution(s) No(s) 56, 87, 181, 213, 223, 263,265, 269, 271,272 and 273.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 866; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 20, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 185, 235,266, 267, 268,270 and 274.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 229, 232, 233, 234, 236, 237,238, 240 and 257; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 585, 1275, 1442,1490, 1508, 1568 and 1622; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 270; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1912; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 361; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**May 20, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 275, 276, 277, 278, 279, 280 and 281.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 242, 243, 244, 245, 246, 247, 248, 249, 251, 254, 255, 258, 259, 260, 261 and 262; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 761; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 207, 1771, 1969, 1972 and 1977; also, House Joint Resolution(s) No(s). 230 and 250; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**May 20, 1999**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 207, 811, 1771, 1969, 1972, 1977; also, House Joint Resolution(s) No(s). 225, 226, 228, 230 and 250.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 20, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 263, 268, 274, 276, 277, 278 and 279; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**May 20, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 160, 171, 386, 529, 778, 933, 1032, 1115, 1175, 1279, 1326, 1536, 1524, 1550, 1890 and 1945.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**May 20, 1999**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 735, 835, 985, 1453, 1586, also, House Joint Resolution(s) No(s). 250; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**MESSAGE FROM THE SENATE**  
**May 20, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 100, 154, 1122, 1322, 1754 and 1864; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 100** -- Sunset Laws - Board of nursing, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 7. by \*Springer. (HB359 by \*Kernell, \*Garrett, \*Brooks)

**\*Senate Bill No. 154** -- Sunset Laws - Panel on health care facilities penalties, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by \*Springer. (HB383 by \*Kernell, \*Garrett, \*Brooks)

**THURSDAY, MAY 20, 1999 -- THIRTY-THIRD LEGISLATIVE DAY**

**\*Senate Bill No. 1122** -- Motor Vehicles, Titling and Registration - Authorizes department of safety to administratively issue collegiate plates for two-year and four-year colleges and universities located within the several states and District of Columbia Amends TCA Title 55, Chapter 4. by \*Cooper. (HB1704 by \*Fitzhugh, \*Turner (Shelby))

**\*Senate Bill No. 1322** -- Education - Authorizes local boards of education to maintain records of proceedings of board in electronic format. Amends TCA Section 49-2-301. by \*Williams. (HB1242 by \*Winningham)

**Senate Bill No. 1754** -- Forest and Forest Products - Enacts "Tennessee Forest Industries Economic Development and Taxpayer Protection Act of 1999." Amends TCA Title 11, Chapter 4. by \*Kyle, \*Davis L. (\*HB1570 by \*Curtiss)

**Senate Bill No. 1864** -- District Attorneys - Increases amount of time in which district attorney must file funding report with executive director of district attorneys general conference after end of fiscal year from 90 to 100 days. Amends TCA Title 8. by \*Cooper, \*Burks. (\*HB1830 by \*Hargrove)

**ENROLLED BILLS**

**May 20, 1999**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 116, 229, 232, 233, 234, 236, 237, 238, 240, 242, 243, 244, 245, 246, 247, 248, 249, 251, 254, 255, 257, 258, 259, 260, 261, 262, 263, 268, 270, 274, 276, 277, 278 and 279; also, House Resolution(s) No(s). 28, 56, 65, 66, 67, 68, 69, 70, 71 and 72.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 20, 1999**

The Speaker signed the following: House Joint Resolution(s) No(s). 116, 229, 232, 233, 234, 236, 237, 238, 240, 242, 243, 244, 245, 246, 247, 248, 249, 251, 254, 255, 257, 258, 259, 260, 261, 262, 263, 268, 270, 274, 276, 277, 278 and 279; also, House Resolution(s) No(s). 28, 56, 65, 66, 67, 68, 69, 70, 71 and 72.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 20, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 429; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**

**May 10, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 429.



**CONSENT CALENDAR**

**May 20, 1999**

The following local bills have been placed on the Consent Calendar for **May 24, 1999**:  
House Bill(s) No(s). 1960, 1966, 1974, 1980, 1983, 1984, 1985, 1988 and 1989.

**ROLL CALL**

The roll call was taken with the following results:

Present .....95

Representatives present were: Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**RECESS MOTION**

On motion of Rep. Hargrove, the House stood in recess until 4:00 p.m., Monday, May 24, 1999.